



**CITY OF KERRVILLE, TEXAS
PERSONNEL POLICIES & PROCEDURES MANUAL**

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I. INTRODUCTORY OBJECTIVES & POLICY STATEMENTS

1.01 Welcome and Introduction

A. Our City. Kerrville began over 100 years ago and has evolved from a shingle maker's camp along the tranquil Guadalupe River to a thriving small city with many year round activities. The City of Kerrville (the "City") and the surrounding area is rich with historical sites where events occurred that have shaped the history of Kerrville. Kerrville's high quality of life, geographical advantage, and history of dedicated City officials lends to an environment of opportunity, optimism, and growth. What has evolved is a strong sense of community spirit and citizen participation that is necessary for the City to successfully implement projects.

B. Role of Employees. Employees play a crucial role in the success of the City. Through a desire to learn and pride in one's job, each employee can contribute to the success of making the City a great place to live, work, shop and invest.

C. Tools for Achieving Excellence. The City uses the Baldrige framework to help us improve and achieve excellence. Created in 1987 by Congress, this performance tool is supported by the National Institute of Standards and Technology, an agency of the U.S. Department of Commerce. The Baldrige framework provides a disciplined framework for evaluating performance in seven critical areas:

- Leadership
- Strategy
- Customers
- Measurement, analysis, and knowledge management
- Workforce
- Operations
- Results

D. Strategic Focus Areas. Better known as the "3E's", our Strategic Focus Areas are key strategies expressed within our Vision and Mission statements. *Engagement with Citizens* and *Empowerment of Employees* are foundational in creating economic opportunity, as illustrated in the Performance Excellence Pyramid. The following further explains these Strategic Initiatives:

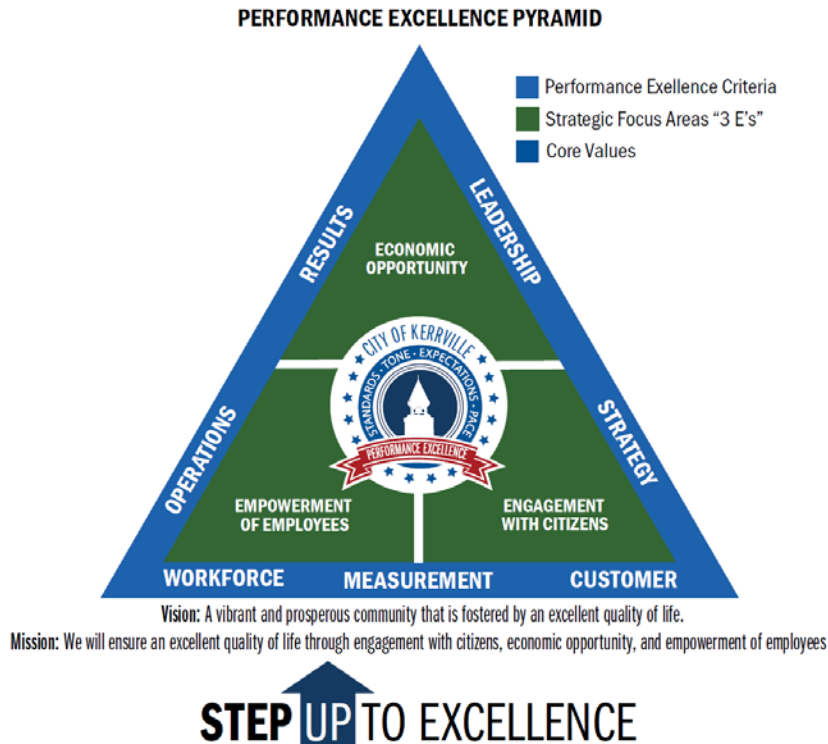
- **Engagement with Citizens** – this includes outreach, internal and external communication plans, transparency around sharing information, and business planning for each department with use of relative metrics that align with community and city council goals and priorities.

- **Economic Opportunity** – this involves a holistic approach to economic development that leverages our strengths as a community, but also addresses our weakest links, and supports a long-range plan for how we fund City services and infrastructure.
- **Empowerment of Employees** – we recognized that we will never have enough funding and technology will take us only so far; so it is our employees that are the resource engine. Regarding employees:
 - They are the game changers.
 - We must invest in training, leadership development and a parallel organization that empowers employees at all levels to initiate and implement efficiencies, reduce waste, and improve responsiveness.
 - We will borrow best practices from the private sector like Lean Six Sigma and the Baldrige Framework to make sure continuous improvement is disciplined and part of our culture.

E. Core Values. The City organization level Core Values are recognized by the acronym of “**STEP**” as described below. These Core Values drive performance factors which are used to evaluate both departments and employees for achieving Performance Excellence.

- **Standards** – we will be held to higher standards in terms of integrity, productivity, and quality of work.
- **Tone** – we will demonstrate a citizen centric and team approach:
 - Inclusive when it comes to sharing and listening to all citizens.
 - Working closely with our colleagues and coworkers.
 - Collaborating with our partners and stakeholders in the community.
- **Expectations** – we will be innovative, data driven for evidence based decision making, and accountable (we need to fully understand the “business proposition” of the “why” and not just the “what”).
- **Pace** – we will instill a sense of urgency for responding and delivering results.

F. Performance Excellence Pyramid. The Performance Excellence Pyramid illustrates how the City’s Core Values, Strategic Focus Areas, and Performance Excellence Criteria are all inter-related.



G. This Manual. The City developed this *Personnel Policies and Procedures Manual* (“Manual”) to answer questions employees may have. The Manual will provide employees with general information concerning the organization, employment practices and policies, benefits, and other information that will assist them during employment with the City. The purpose of these policies is to promote understanding, cooperation, and efficiency among all employees and provide a good working relationship.

H. Welcome! All employees of the City are important members of a team of professionals serving the needs of the organization and the Kerrville community. Please contact the Human Resources Department (“HR”) with any questions at (830) 258-1505, or hr@kerrvilletx.gov.

1.02 Administration of Employee Policies

A. The Manual is provided to all current and new employees as an information tool. Employees should see their supervisor, department director, or the Executive Director for General Operations, who serves in a dual capacity as the City’s Director of Human Resources, about any policy questions. For purposes of this Manual, any reference to the Director of Human Resources refers to the Executive Director for General Operations (“HR Director”).

B. The Manual was approved by the City Manager in accordance with the City Charter and Resolution No. 159-2001. The City Manager may alter or modify the policies or procedures in this Manual at any time and without notice. The City will provide employees with material updates in a timely manner. In case of a conflict, the City's Charter and Code of Ordinances take precedence over provisions in the Manual.

1.03 "At Will" Employment

Employment with the City is "at will", which means either the City or the employee can terminate employment with or without cause or notice, at any time. Nothing contained in any policy is intended to be a contract or a guarantee that employment will continue for any definite period of time. Written or oral statements made to the employee will not alter this "at-will" relationship, unless it is through a signed contract approved by City Council.

1.04 Scope of Manual

All City employees are covered by this Manual, as well as by any rules or policies that have been issued by their specific departments. Volunteers and unpaid interns must follow the policies governing conduct and safety.

1.05 Equal Opportunity Employment

The City does not discriminate against qualified applicants and employees on the basis of race, color, national origin, sex, disability, genetic information, veteran status, religion, age, or any other legally protected classification. Discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referrals, and other aspects of employment is strictly prohibited. Employees with concerns about workplace discrimination should bring these issues to their supervisor, another member of City management, or to HR. The City will promptly and thoroughly investigate all complaints of discrimination and where appropriate, take corrective action. The City will not tolerate retaliation against an employee who makes a complaint of discrimination or who cooperates in the investigation of such complaint. Employees found to have unlawfully discriminated or retaliated against another employee will be subject to disciplinary action, up to and including employment termination.

1.06 Accommodation of Disabilities

A. The City will reasonably accommodate qualified individuals with disabilities in its recruiting and employment practices, so that they can apply for and perform all of the essential functions of the job. Reasonable accommodation means that the accommodation is effective and does not cause undue hardship to the City or create a direct threat to health and safety.

B. HR is responsible for implementing this policy, including resolution of reasonable accommodation, safety, and undue hardship issues. An applicant or employee who wishes to request an accommodation for a disability should contact HR.

1.07 The Texas Whistleblower Act

Texas law (the “Texas Whistleblower Act”) protects public employees who make good faith reports of violations of law by their employer. To be protected, a City employee must make such a report to an appropriate law enforcement authority charged with enforcing the law the employee is claiming was violated. The City may not suspend, terminate, or take other adverse action against the employee because of the report. An employee who believes he or she has been illegally retaliated against for making a report under the Whistleblower Act must appeal the adverse employment action under the City’s Disciplinary Appeal process before taking legal action.

1.08 Individual Department Directives

All employees of the City are covered by this Manual. In addition, each Department Director, in coordination with HR, has the authority to develop and implement additional department policies, directives, procedures, and rules that supplement, but are not inconsistent with, those in this Manual. In the case of a conflict, the Manual takes precedence over individual department policies, directives, procedures, and rules.

1.09 Personnel Files

A. HR shall maintain the official personnel files for all City employees. Unless otherwise provided by law, personnel files shall be kept confidential and may not be used or divulged for purposes not connected with the City’s personnel management except with the permission of the employee involved.

B. Employees may reasonably inspect their personnel file. If an employee wishes to review his/her personnel file, that employee may do so by submitting a written request to HR. A meeting will then be scheduled for that employee to review his/her file in the presence of a member of HR, and/or obtain copies of file documents.

1.10 Confidentiality of Information

A. During employment with the City, an employee may acquire and/or have access to confidential information including personal information about current and former employees, citizens, businesses, job applicants, persons applying for permits, or persons processed through the Municipal Court. Employees also may have knowledge of confidential bidding or other information that could provide unfair competitive or business advantage, strategic or attorney-client privileged information, executive session discussions, or a host of other legally-protected information.

B. All such information is to be considered confidential. An employee shall not divulge such confidential information related to City business and/or another employee to any other employee, the media, and/or the public at large without the approval of the employee’s supervisor. Only designated individuals, in consultation with the City Attorney, may respond to outside requests for public information. It is the duty of each supervisor or Department Director to confer with the City Manager, HR, and/or the City

Attorney regarding compliance with applicable statutes and regulations, including the Texas Public Information Act.

C. Medical information of individual employees is treated confidentially. The City will take reasonable precautions to protect such information from inappropriate disclosure. All employees are expected to respect and maintain the confidentiality of medical information of other employees.

D. HR shall maintain all employee and dependent medical information in confidential files, separate from personnel files. Any document containing details of an employee's or family member's medical condition or health care provider will be kept in the confidential file and may be accessed by management only on a need-to-know basis. An employee has an absolute right to access their medical information, including that of family members.

E. When an employee provides medical information to his/her supervisor, the supervisor is expected to share the information only on an "as needed" basis to other members of management. Coworkers who learn such information are expected to use discretion and are to refrain from passing along information that may constitute an invasion of a coworker's privacy or breach of confidence. Updates to an employee's health status are to be distributed only pursuant to the employee's express instruction.

1.11 Personal Data Changes

Each employee is responsible to promptly notify his/her supervisor and HR of any personal information changes that must be reflected in the personnel file. Such changes include contact and emergency contact information, number and names of dependents, legal name, home address, marital status, change of beneficiaries, driving record/ driver's license status if the employee operates any City vehicle or drives on City business, update of any educational or training courses completed, occupational licensing status, or any other information that may affect employment or benefits.

1.12 Job Descriptions

Job descriptions and specifications shall be maintained by HR. Job descriptions are fluid and may be changed without notice based on the needs of the City. Employees and supervisors should immediately notify HR if the job description needs updating or otherwise does not reflect the current duties or requirements of the position.

1.13 Special Licenses and Membership Fees

The City may authorize paying fees, dues, conference attendance, travel, and time off for an employee to participate as a member of a professional organization, or for those who must maintain a particular certification or license as a condition of employment, subject to approval by the employee's supervisor and/or Department Director. Such organizations should promote professional growth, competence, and effectiveness in

functioning as City employees. Membership in professional organizations described above shall be in the name of the City, where possible.

II. COMMUNICATIONS

2.01 Problem Solving – Open Door Policy

The City recognizes that workplace differences in opinions or problems of concern may occur. Each employee is encouraged to share thoughts and suggestions for improving the workplace at any time with his/her supervisor. Should a situation remain unresolved after discussions with a supervisor, or in cases where it may be inappropriate to discuss matters with a supervisor, an employee should contact the next level of management in his/her respective area.

2.02 Consultation with the City Attorney

Pursuant to the City Charter, the City Attorney is appointed by the City Council to serve as the chief legal advisor and attorney for the City and its Council, departments, officers, and employees, but only in matters relating to their official powers and duties. The City Attorney's and, if applicable, Assistant City Attorneys' client is the City, and he/she must act in the best interests of the City as a whole. If there is a conflict between an individual officer's or employee's interest and the City, the attorney will remind the individual of the scope of the attorney's representation and that the attorney may not represent the individual in matters that may conflict with the City's interests. In most instances, employees should have the approval of their Department Director prior to seeking advice from the City Attorney.

2.03 Communication – News Media Policy

A. All media relations will be directed to the Public Information Office for press releases and media questions. An exception exists for the Police Department, which has its own Public Information Officer.

B. An employee contacted by a media representative inquiring about a topic must forward the representative to the Public Information Office, provide notice of the contact, and any relevant background information. If a decision is made for an employee to answer a representative's questions in person, over the telephone, and/or live, the Public Information Office must be involved to assist.

C. This protocol helps ensure a consistent message from the City and questions will be answered from the previously written press releases. The City Manager's office will release all press releases.

2.04 Bulletin Boards

A. Information of interest to all employees is posted regularly on City bulletin boards and on the City's employee intranet site. The City Manager or designee shall authorize the location of bulletin boards and they shall be easily accessible.

B. Bulletin boards are not a public forum. All posted materials must be authorized by the City Manager or designee. Bulletin boards may contain the following information:

- City-wide, department, and division information;
- Community-wide information that may be of interest to all employees; and
- Internal job postings for the City.

III. RECRUITING & HIRING

3.01 Employment Applications

Any misrepresentations, falsifications, and/or omissions submitted by an applicant on the City's employment application, in resumes, or other application documentation may result in the exclusion of that individual from further consideration for employment or termination from employment were subsequently discovered.

3.02 Recruitment, Selection, & Hiring Practices

A. Each Department Director, in coordination with HR, is responsible for the recruitment, selection, and hiring process in his/her respective department or division. When considering whether to hire an applicant, each Department Director or supervisor shall make such decision on the basis of the individual's job related qualifications and overall suitability for the position, and not based on protected classifications. The following procedure shall begin the recruiting process:

1. Departments notify HR of existing and anticipated vacancies by forwarding a completed Personnel Requisition Form to HR.
2. HR posts vacancies internally for a minimum of three work days by sending job announcements to posting sites throughout the City.
3. If there are no qualified internal candidates, HR will then post the position on the City website and any such other advertisement as may be required until the position is filled or a minimum of three work days.
4. Vacancies can be posted internally and externally at the same time.
5. All applications must be received and processed through HR in order to be considered.

B. The City may use the following methods of recruiting and selecting persons to fill vacancies:

1. *Promotion* - The City will attempt to provide promotional opportunities to existing employees, whether within the same department or another department, when possible. A selection process may be limited to qualified City employees, or such employees may be given preference in consideration. However, the City may, at any time, determine that an external candidate is better suited for a position than an otherwise qualified internal candidate. Promoted employees will serve a 180-day probationary period in the new position. When, in the course of the normal budget process, a currently filled position is reclassified, the incumbent employee may be promoted to the new grade level/position without the formal hiring process.
2. *Temporary Promotion* - The City Manager may authorize a temporary promotion if a position is vacant or its regular incumbent is absent for a minimum of 30 days. Temporary promotions are for a specific period of time as determined by the City Manager. The City Manager may increase the compensation of a temporarily-promoted employee during the temporary assignment, such increase in compensation consistent to the promotional grade level.
3. *Employee-Requested Lateral Transfers* - The City will attempt to transfer employees wishing to transfer to the same grade level when it serves the interests of the City. The following terms govern transfers:
 - A 180-day probationary period will be served in the new position.
 - During the probationary period, the employee may request a transfer back to the former position, providing it has not been filled and the affected Department Director and HR approve the return to the former position.
 - Should the employee fail to successfully complete the probationary period and their former position is no longer vacant, the employee may be separated from the City's service.
4. *Administrative Lateral Transfers* - An administrative transfer is a lateral transfer based on the needs of the City, and not necessarily at the employee's request. The employee will not be required to serve a probationary period and the position does not require the posting of the job opportunity announcement.
5. *Demotions* - Demotions require the approval of the Department Director, the HR Director, and the City Manager, and will be considered only if in the best interest of the City. If approved, employees may be administratively demoted voluntarily and at their own request or, as an alternative to a reduction in force (layoff). Such demotions are not disciplinary actions nor will they disqualify the employee from consideration for future advancement. However, employees may also be

involuntarily demoted for disciplinary or organizational reasons. Demoted employees will receive a minimum of a 5% reduction in pay and shall successfully complete a 180-day probationary period in their new position. The demoted employee will not be eligible for a salary adjustment until one-year from date of demotion.

6. Classification of Appointments –

- Employees may be classified as Regular or Temporary/Seasonal, and as Full-time or Part-time. Full-time employees are scheduled to work a minimum of 40 hours per work week, or 56 hours per work week for 24-hour shift personnel. Temporary/Seasonal employees are employed only for a specific period of time or for a special job task or project, and may be full-time or part-time. In emergencies, the City Manager may immediately fill positions temporarily without regard to normal selection and appointment methods, for periods not to exceed 30 work days.
- Regular full-time employees are eligible to receive the full scope and level of benefits offered by the City. Regular part-time employees are not eligible to receive benefits other than Workers' Compensation coverage and TMRS, where eligible. Temporary employees, whether full-time, part-time, or emergency, are not eligible to receive any benefits other than Workers' Compensation coverage.

7. Selection from a valid current eligibility list – HR will maintain an eligibility list of qualified applications on file for six months from solicited date, or 12 months for the Fire and Police Departments.

C. Departments may utilize tests during the selection process, upon the approval and administration of the HR Director. All applicants for the same position will be afforded uniform treatment in the examination process. Reasonable accommodation will be provided for qualified applicants who may need assistance in any stage of the recruitment and selection process.

D. Successful applicants will generally be brought in at the minimum salary for the assigned pay grade. A Department Director may recommend hiring an applicant at a salary above minimum based upon factors which include education, related experience, exceeding minimum qualifications, market factors, and business necessity.

3.03 Nepotism and Family Relationships

A. No person within any degree of the relationships defined below to any Councilmember, which includes the Mayor, or the City Manager, may be appointed to or hired for an office, position, clerkship, and/or other service of the City.

B. No employee may be directly or indirectly supervised by a relative, or in a position on which a relative could have an impact on the hiring, promotion, discipline, salary, or termination, or impact over or confidential knowledge of the terms and conditions of the position. Employees shall not be transferred or promoted into positions that would cause them to be directly or indirectly supervised by a relative within the degree of relationships defined below. In addition, the hiring and promotion of relatives will not be allowed, even in different departments, if that action creates a conflict or the appearance of a conflict of interest for the City. The City reserves the right to take appropriate action to eliminate any conflict regarding family relationships, and to apply this policy to cohabitation and romantic or sexual relationships, when appropriate.

C. Where an employee in the same chain of command or in positions that create a conflict of interest become related after they are employed, only one of the employees will be permitted to remain in the prohibited position. If there is no available position to which to move one of the employees, then one employee must resign or be terminated. The two employees may have input into the decision of who will be transferred or separated, but the final decision rests with the City Manager.

D. The following defines the relationships between relatives by blood (consanguinity) and by marriage (affinity). The City applies this to employees who are cohabitating in a sexual, romantic, or partnership relationship.

Consanguinity (Blood Relationships):

First Degree		Second Degree		
Mother	Daughter	Grandmother	Uncle	First Cousin (Aunt/Uncle's Child)
Father	Son	Grandfather	Aunt	
Sister		Granddaughter	Niece	
Brother		Grandson	Nephew	

Affinity (Marriage Relationship):

First Degree	Second Degree		
Wife	Daughter-in-law	Sister-in-Law	Or, spouse's: Grandparent Grandchild Step-grandparent Stepsister Stepbrother
Husband	Son-in-Law	Brother-in-Law	
Mother-in-law	Stepmother		
Father-in-law	Stepfather		
	Stepson		
	Stepdaughter		

3.04 Post-Offer Drug Screens & Medical Examinations

A. All offers of employment to designated safety or security-sensitive positions will be contingent on the successful completion of a drug screen. If applicable for the position, offers may also be contingent on successful completion of a physical examination, taking into account reasonable accommodation. Prospective employees may also be given other qualifying examinations, depending on the position for which the job offer has been made.

B. Positions requiring a Commercial Driver's License will be subject to the requirements of the U.S. Department of Transportation (DOT), Federal Motor Carrier Safety Administration (FMCSA).

3.05 Employee Background and Reference Checks

A. Job offers are contingent on the successful completion of a background check. HR is responsible for checking the employment references and background of all applicants for employment.

B. After a job offer, a prospective employee must sign a consent form, release, and/or waiver which may include authorization for any and all of the following pre-employment screenings:

- Pre-employment physical examination;
- Drug screen;
- Criminal Background Check;
- Credit History;
- Education Background; and/or
- Motor Vehicle Record Check.

C. The City will evaluate the criminal history of any applicant on an individual basis, taking into account the following factors:

- The nature and seriousness of the offense;
- The time that has passed since the conviction or arrest and completion of the sentence;
- The applicant's age when the offense occurred;
- The number of convictions;
- The relevance of the offense to the job responsibilities; and
- The applicant's employment history and efforts at rehabilitation.

D. Final approval to hire an applicant with a criminal history that includes a felony conviction, or other conviction involving violence, theft, or sexual misconduct must be

obtained from the HR Director and Department Director prior to a prospective employee being offered a job.

E. Applicants for uniformed police and fire positions may be required to take written exams and undergo a polygraph exam, physical agility test, and/or a psychological evaluation.

IV. NEW EMPLOYEES

4.01 Eligibility to Work in the United States

During the first three days of employment, the City must verify the eligibility of all new employees of the City to work in the United States. All new employees must provide HR with a completed current US Citizenship and Immigration Services Form I-9 and the required documentation for verification. Employees unable to verify their current eligibility to work in the United States during the first three days of employment must be terminated.

4.02 Probationary Period

A. All new employees to a position must serve a 180-day probationary period. Where an employee successfully completes the probationary period, he/she will remain an at-will employee for the duration of their employment and may be eligible for a pay increase.

B. The probationary period is for supervisors to train, closely observe, and evaluate the employee and if necessary, recommend corrective actions to better fulfill the duties and responsibilities of the job description. It is also a time for new employees to learn their job and to determine if it is a good fit for them. The City will retain only those employees who maintain acceptable work performance during their probationary period. In those instances where the City must discipline or terminate an employee during the probationary period, the City's Disciplinary Appeal procedures do not apply.

C. An employee who is promoted, demoted, or has some other change in his/her position shall also serve a 180-day probationary period.

4.03 Identification Badges

The City will issue photo identification badges to each employee. All employees are required to display the badge while conducting City business. If an employee badge is lost or stolen, the employee must obtain a replacement. An employee should report lost or stolen badges to HR as soon as possible. Upon termination, employees shall return their badges to HR.

V. COMPENSATION

5.01 Pay Plans

A. Each year in conjunction with the City's budget preparation, the City Manager shall submit a proposed pay structure, based on salary surveys of comparable cities and other job market indicators. Positions are assigned a pay range based upon job qualifications, market factors, level of responsibility, difficulty, working conditions, skill, hazard, job family, and amount of supervision required for the specific job title. Each classification is designated a particular salary or salary range, which is then considered for approval by City Council during the budget process.

B. Uniformed fire and police are assigned step plans.

5.02 Pay Procedures

A. Pay Period and Pay. The City uses a 14-day pay period. For purposes of calculating pay and overtime, the City's seven-day workweek begins at 12:01 a.m. on Sunday and ends at 12:00 a.m. the following Sunday. Employees are paid on a bi-weekly basis, with normal paydays occurring every other Friday. When a payday falls on an official City holiday, employees will normally be paid on a day preceding Friday. Employees receive pay through direct deposit to an account(s) selected by the employee, and paycheck stubs are distributed to employees via email or at work.

B. Recording Work Hours. All non-exempt employees are required to record time worked and absences in the payroll system. Actual hours worked and leave time taken must be recorded accurately. Falsification of hours worked may result in disciplinary action and/or criminal prosecution. Time must be submitted by noon on Monday following the end of a pay period. Department Directors and Division Managers are responsible for ensuring that time accurate, complete, and authorized.

C. Non-Exempt Employees. Non-exempt employees will be paid only for actual hours worked unless they receive benefits under the City's paid leave policies.

D. Exempt Employees Wage Deductions. Exempt employees are paid on a salary basis and, in general, receive their full salary for any seven-day workweek in which they perform work, unless a) the wage deduction is based on legal withholding (such as payroll taxes, authorized insurance payments, legal garnishment, etc.); or, b) the deduction falls under one of the following exceptions:

- When absent for at least a full day because of sickness or disability, and have exhausted paid leave.
- When taking leave under the Family and Medical Leave Act and have exhausted paid leave, even for partial day or intermittent absences.

- When absent from work for at least a full day for personal reasons other than sickness or disability, following exhaustion of applicable paid leave. No partial week deductions may be taken from an exempt employee's salary due to jury duty, attendance or testimony as a witness, or temporary military leave.
- When an unpaid disciplinary suspension of one or more days imposed in good faith for violations of written workplace conduct rules, but not for performance or attendance problems.
- Proportionally when less than 40 hours are worked during the first or last week of employment.

In the case of budget-required reduction in force, the employee will be treated as non-exempt only for the week that the reduction in force creates a pay deduction of less than one week. In addition, this policy applies when deductions are made from the wages of salaried, exempt employees only. Deductions from accrued leave banks are allowed in partial or full day increments, and are not covered by this policy.

E. Pay Changes. All recommended pay changes must be submitted to the HR Director on a Personnel Action Form ("PAF(s)") and thereafter approved by the City Manager. All PAFs must be submitted to HR by 5:00 pm on Monday following the end of the pay period to be included in the next paycheck.

5.03 Payroll Deductions

A. As an employer, the City must comply with orders for garnishment of pay for employee obligations. These garnishments may be the result of a court order for, as an example, child support, student loans, or from the Internal Revenue Service for back taxes. When there is a garnishment for child support, the City will impose a state-authorized processing fee.

B. The following deductions are required by law from each Employee's paycheck:

1. Federal Income Tax withholding;
2. Social Security & Medicare;
3. Retirement Contributions; and
4. Deductions authorized by law, such as garnishments.

C. Additional deductions which are optional, may be offered by the City and may be requested by an employee to consider include:

1. Supplemental payments to additional retirement programs;

2. Deferred compensation;
3. Payment of health insurance premium;
4. Payment of dental insurance premium;
5. Payment of life insurance premium;
6. Payment for other optional insurance coverage(s); and/or
7. Deductions for United Way or other charitable organizations.

D. Other deductions may include:

1. Repayment for erroneous payment made by the City to an employee;
2. Repayment of sick leave, vacation leave, or other leave paid to an employee when the employee also receives workers' compensation or disability leave benefits for the same period.

E. With each paycheck, the employee receives a statement of deductions and earnings that itemizes the various deductions made, as well as appropriate cumulative totals. A record of leave and vacation time may also appear on the paycheck stub following successful completion of a probationary period.

F. The City complies with all wage and hour laws. If an employee believes that an improper deduction has been made to his/her salary, the employee should immediately report this information to their supervisor or HR. HR will promptly investigate reports of improper deductions and resolve the complaint within a reasonable amount of time given all the facts and circumstances. If HR determines that an improper deduction has occurred, HR will promptly work to reimburse the employee for the improper deduction.

G. Recovery of Money Owed to the City: Repayment of money owed to the City by an employee will be reviewed on a case-by-case basis and in compliance with federal and state law.

H. Each employee is responsible for maintaining current payroll deduction information with HR. Employees wishing to change their payroll deductions should contact HR.

5.04 Compensation Plan

A. The purpose of the Compensation Plan is to ensure that the City is able to attract, retain, and motivate employees through a compensation plan that is fair, representative

of ability and performance, and promotes the City's goals and overall vision. This policy covers all positions with the City.

B. Objectives of the Compensation Plan include:

- To ensure that employees have a fair and equitable compensation plan;
- To comply with federal, state, and local regulations;
- To provide compensation that is fiscally sound and cost-effective;
- To provide a pay plan that the City can easily administer and maintain;
- To provide a compensation system that provides incentives and recognition consistent with City goals and values; and
- To establish a pay for performance system to aid in retaining and rewarding quality employees.

C. As part of the Compensation Plan, the City's pay plan is based on salary grades, job descriptions, and uniform evaluations. The City Manager is authorized to administer the plan and to make interpretations of this plan where specific instructions are not provided. City Council will approve the annual personnel budget, which reflects this plan.

D. City Council will approve personnel expenditures during the budget process along with a classification system. Operational changes may allow for the City Manager to authorize different positions within the adopted personnel budget, but any staffing changes that will result in higher costs must be brought to City Council for approval via a budget amendment.

E. Starting pay for positions will depend upon relevant education and experience. It is expected that the starting pay will fall somewhere between the Minimum and the Min-to-Mid point of the relevant pay range. A Department Director may recommend hiring an applicant at a salary above minimum based upon factors including education, related experience, exceeding minimum qualifications, market factors, City needs, and business necessity. The City Manager must approve offers over ten percent above minimum.

F. The City will maintain an approved job description for each budgeted/established position. These job descriptions will be the basis for hiring and evaluations, and will be updated as needed. The City Manager will have final approval overall job descriptions except that the City Council will approve any changes to the job description of the City Manager and City Attorney.

G. Employees shall work overtime hours only when necessary and only with prior approval of their Department Director. The City follows the Fair Labor Standards Act (FLSA) in administering overtime pay. Overtime hours for non-exempt employees are computed at the rate of one and one-half times the regular hourly rate of pay for time actually worked over 40 hours in a seven-day work period. Employees engaged in fire

protection activities who work 24-hour shifts receive overtime when they actually work in excess of 212 hours in a 28-day work cycle. Paid time off is not considered “hours worked” for purposes of calculating overtime. Exempt employees do not receive additional compensation above their salary for extra hours.

H. Compensatory time is time off earned by an eligible employee in lieu of overtime pay and earned at the rate of one and one-half hours for each hour of overtime. Exempt employees do not receive compensatory time. In addition, seasonal and temporary employees do not accrue compensatory time and will receive overtime pay for any overtime worked. The maximum compensatory time accrual is 80 hours for nonuniformed employees, 120 hours for uniformed police officers, and 144 hours for uniformed fire personnel. Upon reaching maximum accrual, the employee will thereafter be paid overtime pay for any time worked in excess of 40 hours in a workweek. Upon termination of employment or promotion to an exempt level position, an employee will be paid for accrued compensatory time at their last hourly rate. Compensatory time cannot be used or granted prior to being earned.

I. Specific departments, as authorized by the City Manager, provide on-call pay, which is paid per week as a flat sum while an employee is on call. Employees eligible for on-call pay will be notified of the amount by their Department Director prior to being on call. On-call pay is in addition to any hourly pay the employee earns for actual time worked.

J. Non-exempt employees who are off duty and called in to work shall receive a guaranteed minimum of four hours pay. The hours will be counted toward the week’s overtime calculation only if actually worked.

K. Certain employees are eligible for extra pay based on certifications and or degrees earned. This is awarded as a separate stipend that is separate from the employee’s regular rate of pay. The City Manager has the final authority for approving or disapproving certification programs.

L. The City values retaining good employees, and will pay \$4.00 per month for each complete full month of continuous service, up to 300 months maximum. Longevity pay for uniformed police and fire personnel will be calculated on each complete full month of service, regardless of any breaks in service. The City will pay longevity pay on the first Friday in December for service earned through the end of the current calendar year. The City will pay uniformed police and fire employees each paycheck. This policy applies to all regular full-time employees who have completed one year of consecutive regular full-time employment with the City, retroactive to the first month of employment. Terminating employees receive payment for accrued longevity pay on a pro-rata basis for the number of months worked during the year in which they terminate.

M. The City conducts annual evaluations on forms approved by the City Manager. The direct supervisor of the employee will conduct the evaluation with final approval given by the appropriate Department Director. The City Manager will complete evaluations of each Department Director. Additional evaluations may be administered on an as-needed basis. The resulting score of an annual evaluation will determine the appropriate level of a merit pay increase, if any. Employee performance evaluations are used to regularly appraise job performance and to encourage employee behavior that is consistent with the City's core values. Performance evaluations will be conducted at least annually. Specifically, the performance evaluation is intended to:

- empower the employee to deliver excellent services
- develop the employee's potential and performance
- document areas of effective performance
- provide constructive coaching and identify training needs
- increase job satisfaction and professional/skill development
- establish performance improvement goals and objectives
- counsel an employee for performance improvements

N. Each supervisor is responsible for setting and communicating clear performance standards for his/her employees at the beginning of, and throughout, the review period. In evaluating employees, supervisors shall consider factors such as the experience and training of the employee, the job description, and the employee's attainment of previously set goals and objectives.

O. Each supervisor must complete evaluations for his/her employees. The Department Director must then review and approve evaluations prior to review with the employee. If the employee's overall rating is below expectations or unsatisfactory, a Performance Improvement Plan may be completed by the supervisor and reviewed by both the Department Director, where applicable, and the HR Director prior to review with the employee. If the employee's overall rating is meets expectations or above expectations, the evaluation is sent to HR for processing.

P. Performance evaluation results and any related pay increases may not be appealed. If an employee disagrees with a performance evaluation, he/she may submit a written statement to be included in the personnel file.

Q. Each Department has its own Pay for Performance evaluation criteria for each employment position. The City uses performance evaluations to provide a process by which job performance is periodically and regularly appraised for purposes of development, to note areas for improvement, counseling, to establish performance improvement goals, and to support pay decisions.

R. The annual budget may include a maximum amount that may be granted to an employee as a performance incentive. When an evaluation determines that a merit pay increase is appropriate, the employee's overall rating will determine the percentage increase for which the employee is eligible. The City Manager has the final approval on all merit increase amounts.

S. Pay for police and fire will be according to the respective Step Plans.

T. An employee receiving a promotion will not receive a decrease in pay. Normally, the minimum raise for an employee receiving a promotion should be the minimum of the new pay grade or 10% over the current salary, whichever is greater. An exception is if the formula would result in a salary that exceeds the maximum of the new position's pay range, in which case the City Manager will make the final determination of salary/compensation issues.

U. For uniformed fire and police, if the promotion is to a position in a Step Plan, the employee will start at the beginning step of the respective step plan unless approved by the City Manager to be placed in a higher step of that plan.

V. In the event a demotion occurs, the employee may be employed at the employee's current rate of pay or within the salary range for the lower position.

W. An employee who is temporarily assigned to perform the full range of duties of a higher classified position on an extended-term basis, which means a period of four work weeks or more due to an extended absence or a vacancy, will receive an increase in pay in the amount of 5% for one salary range or 10% for two or more salary ranges, or the minimum of the range of the position, whichever is greater. The salary increase can begin immediately if it is known that the temporary promotion will be for a minimum of four work weeks. A PAF must be completed by the department and forwarded to HR for approval. Upon completion of the interim assignment, the employee's rate of pay will immediately revert back. For uniformed police and fire, step-up assignments may be for shorter time periods.

X. Lump Sum Adjustments - If it is appropriate for an employee to receive a one-time lump-sum salary adjustment, specific reasons must be documented. Adjustments may also be given to employees who have reached the maximum pay of their respective pay grade in lieu of a raise. All lump-sum adjustments will be made within the established budget adopted by Council, or with prior Council approval.

Y. Other Salary Adjustments – Other pay adjustments may be necessary at times to address issues of internal equity, cost of living, competitive market forces or other relevant factors. The City Manager can authorize salary adjustments within the budget, or with City Council approval.

Z. Approvals Required - Any changes to employee pay and/or classifications must be submitted on a PAF and approved by the Department Director, the HR Director, and the City Manager.

VI. BENEFITS

6.01 Texas Municipal Retirement System (TMRS)

The City provides a retirement benefit through the Texas Municipal Retirement System (TMRS). Participation in TMRS is mandatory for all full-time and part-time employees whose regular scheduled hours total at least 1,000 hours per calendar year. Per TMRS, each employee must contribute 7% of their gross salary to TMRS. The City matches that contribution 2 to 1 if an Employee meets all retirement qualifications. Vesting occurs after five years of employment. Retirement eligibility is 20 years creditable service at any age, or, five years of service and at least 60 years of age, whichever comes first. Information regarding the retirement plan is available from HR or by contacting TMRS.

6.02 Insurance

A. The City provides insurance benefits to employees. Benefits may include medical and dental insurance, life insurance, and voluntary benefits such as vision, disability, and additional life insurance.

B. A new benefit plan year begins each October 1. All benefit plans are subject to eligibility and the terms and conditions of each plan.

C. Employees may also elect to participate in the Section 125 Plan that allows employees to deduct money from their paychecks on a pretax basis for medical and/or dental premiums for dependents.

D. Any benefit payments to an employee from a short or long term disability plan offered by the City will offset the amount of pay an employee receives from the City when out on leave. Under no circumstances will an employee be eligible to receive more than 100% of their regular salary when combined with other benefits.

6.03 Workers' Compensation

A. The City provides workers' compensation benefits to all employees who experience a work-related illness or are injured while in the course and scope of employment. Workers' compensation benefits include payment for medical expenses related to the injury or illness, as well as partial salary continuation benefits beginning on the eighth day of disability. If an employee has a work-related injury or illness, the employee must immediately report the incident to their supervisor. The employee and his/her supervisor must then complete a First Report of Injury Form. The supervisor shall then forward the form to HR within 24 hours of the incident. Failure to report any injury or illness may affect

an employee's eligibility to receive worker's compensation benefits and/or delay benefit payments. Eligibility and the payment of benefits is handled by the City's provider.

B. If the employee is losing time from work due to the injury, it is the employee's responsibility to keep the supervisor and HR informed of his/her status. Employees are expected to return to work and report to their supervisor on the first day they are released for light or full duty. Employees may be required to complete a return-to-work physical assessment test and comply with medical recommendations and light duty assignments. Employees receiving workers' compensation leave may not work at another job, including self-employment.

C. The supervisor shall notify HR of any lost time due to the injury. Upon the employee's return to work, the supervisor will ensure that the employee has a medical release prior to allowing them to commence working and must forward the release to HR to be placed in the employee's medical file. Supervisors will ensure that any restrictions are not violated by any work assignment given to the employee. If a modified duty assignment is not available, the employee may not return to work until such time as they are able to return to full, unrestricted duty, with or without reasonable accommodation.

6.04 Work-Related Injury or Illness – Salary Continuation

A. The City provides for eligible employees who sustain a work-related injury or illness the added security of temporarily receiving no reduction or interruption in salary or reduction in leave banks for the initial 180 days of injury or illness leave.

B. If a workers' compensation illness or injury meets the criteria for a serious health condition, this leave will run concurrently with Family Medical Leave Act ("FMLA") leave (See §VII 7.15 Family and Medical Leave). General benefits include:

- Benefits will begin from the time the employee begins to lose time due to an on-the-job injury or illness.
- An employee on leave will collect the difference between the workers' compensation wage continuation benefit and full salary payment from the City until they return to work, up to a period of time not to exceed 180 days.
- If the duration of the employee's leave exceeds the initial 180 days, either continuously or intermittently, then the employee will no longer be compensated at their full salary, except per use of any accrued paid time off.
- To collect the Salary Continuation benefit, the employee must submit copies and/or stubs of all checks paid to him/her for income benefits from the workers' compensation insurance carrier to HR.

6.05 Tuition Reimbursement

A. Employee Benefit. The City encourages upward mobility, employee development, and excellence of performance by sharing the expense of approved courses and educational programs. Tuition reimbursement assists employees in broadening their knowledge of their current position or preparing them for possible assumption of new job responsibilities within the City. Tuition reimbursement is a tax-free benefit.

B. Eligibility & application process.

1. The City will annually establish the total amount of tuition reimbursement it will make available as part of the budget process based upon anticipated participation and available funding.
2. Eligible employees must be regular full-time and have completed at least six months of service with the City prior to application approval.
3. An eligible course or educational program is a class of instruction offered by an accredited college, university, trade school, or other certified diploma/certification program. Courses must be required by a degree plan, course of study, or other program determined to be in the best interest of the City by the City Manager. Coursework must be completed on the employee's own time.
4. Classes or degrees beyond the master's degree level are not eligible for reimbursement.
5. As a condition of reimbursement, an employee must earn a grade of "C" or better in the course and will be paid as follows:

<u>Grade</u>	<u>Reimbursement</u>
A	100%
B	90%
C	75%
D or F	0%

6. Reimbursement for thesis or dissertation work will be paid when the employee submits an official grade report of a passing grade. Reimbursement will be paid for the required number of credit hours (six for thesis and twelve for dissertation) regardless of the actual number of hours taken.

7. Mandatory fees shall be reimbursed as part of the tuition rate charges unless related to items or services that may be kept or continue on after completion of the course.
8. Books, supplies, or other expenses in connection with courses to be taken are not eligible for reimbursement.
9. Tuition reimbursement will be paid only once for each approved course.
10. The City will not pay the cost of tuition which has been or will be paid from other sources. In the event of partial scholarship or grant, reimbursement will be calculated based on the actual expense to the employee.
11. Tuition reimbursement will not be granted for audited courses.
12. Tuition reimbursement will not be granted if the participant is not an employee of the City, for any reason, at time of course completion.

C. Application & Reimbursement Process.

1. To apply for tuition reimbursement, employees must notify their supervisor or Department Director in writing prior to registering for the course, to include indicating the degree plan and tuition dollar estimates.
2. To request reimbursement for a specific semester, employees must submit documentation showing the course titles and number of credit hours completed, an itemized statement of tuition and fees, and an official grade report or transcript along with the completed tuition reimbursement request form within 30 days of the end of the school term to their Department Head for approval.

VII. ATTENDANCE & LEAVES

7.01 Attendance and Punctuality

A. If an employee is unable to report to work, or will arrive late, the employee should contact his/her supervisor as early as possible but no later than 15 minutes before the scheduled start time. If an employee knows in advance that he/she will be absent, the employee is required to request this time off from his/her supervisor as soon as the employee knows of the need for the absence, and no later than 24-hours before the beginning of work. If an employee wishes to leave early for the day, the employee must obtain approval from his/her supervisor prior to leaving early.

B. An employee must notify his/her supervisor directly of an unexpected absence or late arrival. Notifying a fellow employee is not acceptable. Unless on an approved leave of absence, the employee must personally call his/her supervisor for each day of absence. The City will consider an absence from work for two consecutive days or shifts without

notifying a supervisor as job abandonment, which will result in the termination of employment. In addition, excessive absenteeism, tardiness, or failure to call in promptly may result in disciplinary action, including immediate termination.

C. A supervisor has the authority whether to approve any absence, except as required by law. An employee will not perform work or engage in any other actions which would be inconsistent with the stated reason for taking paid or unpaid leave on the same day that the employee fails to report for work due to illness, injury, or emergency.

7.02 Hours of Work

A. City Hall is open to the public from 8:00 a.m. to 5:00 p.m., Monday through Friday (excluding City holidays). Other departments and locations may establish different work hours. Employees are expected to be at their work location and ready to begin work at the beginning of their work schedule.

B. Employees with standard office hours from 8:00 a.m. to 5:00 p.m. take a scheduled one hour unpaid meal period. A supervisor and/or Department Director will determine if an employee's hours will vary.

C. For purposes of payroll and calculating overtime, the workweek begins each Sunday at 12:01 a.m. and ends the following Sunday at 12:00 a.m.

D. Unless approved in advance by the employee's supervisor, nonexempt employees may not perform work outside their regular hours. Any hours worked in excess of 40 in a workweek, except in the case of emergencies, require advance approval from the employee's supervisor. Fire Department shift personnel may not work over 212 hours in a 28-day work cycle without approval.

7.03 Breaks for Nursing Women

The City supports the practice of expressing breast milk and reasonably accommodates employees who have a need to do so during work hours. Employees who are nursing women are allowed reasonable break time, comfort, and privacy to express milk. If regularly scheduled breaks and meal times are not sufficient, nursing women may take additional time to express milk. These additional breaks are not considered compensable work time and should be deducted from the total time worked. Employees may choose to use accrued paid leave for this purpose. Nursing women should notify their supervisor or HR of their need for this accommodation so that arrangements can be made to provide a private, comfortable location.

7.04 Excused & Unexcused Absences

A. Excused Absence. Excused absences require proper notice, preapproval, and/or verified emergency circumstances. Employees must provide their supervisor with the reason for the absence and the date and time the employee expects to return to work,

and may, when requested, be required to furnish a doctor's statement verifying the need for absence or to release the employee to return to work.

B. Repeated Unexcused Absence. Employees repeatedly incurring unexcused absences shall be subject to disciplinary action up to and including termination.

7.05 Holidays

A. The following days will be observed as paid City holidays for regular full-time employees, based on a holiday schedule annually issued by HR:

New Year's Day	Independence Day	Christmas Eve
M.L. King Day	Labor Day	Christmas Day
Good Friday	Thanksgiving Day	Floating Holiday
Memorial Day	Friday after Thanksgiving	

B. If an official City holiday occurs on a Saturday, it will be observed on the Friday before. If an official City holiday occurs on a Sunday, it will be observed on the Monday after. The floating holiday must be scheduled and approved in advance and must be used within the calendar year. The floating holiday cannot be banked or accrued, and has no cash value.

C. To be eligible for holiday pay, the employee must work the scheduled day preceding and following the holiday unless the Department Director approves an excused absence. Employees scheduled to work on a holiday, and who fail to work as scheduled, without an excused absence, will not be eligible for holiday pay. An employee required to work on a holiday will receive their regular rate of pay for the time worked, in addition to the holiday pay, or will receive an alternate day off. An employee will be eligible to receive holiday pay when on a paid leave of absence. A regular part time or temporary full or part time employee will not be paid for official City holidays but may be given the day off. A Department Director may grant use of accrued leave, except for sick leave, to an employee who wishes to observe a national or religious holiday not officially observed by the City. If no accrual leave is available, an employee may be granted authorized leave without pay. An employee must request this leave at least two weeks before the requested holiday.

D. The following Texas law applies to firefighters: "A firefighter shall be granted the same number of vacation days and holidays, or days in lieu of vacation days or holidays, granted to other municipal employees, at least one of which shall be designated as September 11th." The City will designate the regular City floating holiday as the September 11th holiday for firefighters. The September 11th holiday may be used on a date other than September 11th with supervisor approval.

7.06 Vacation Leave

A. All regular full-time employees in a paid status accrue paid vacation leave. Although an employee in an unpaid leave status does not accrue paid vacation leave, unpaid leave status does not constitute a break in service for vacation accrual rate determination purposes.

B. Vacation leave is accrued as follows:

EMPLOYEES REGULARLY SCHEDULED TO WORK 8 HOUR SHIFTS				
Employees	Years Of Service	Total Accrual Per Month	Vacation Leave Per Year	Maximum Accrual
REGULAR FULL-TIME	0 – 5 years (0-60 months)	8 hours	96 hours	192 hours
	6 – 10 years (61-120 months)	10.66 hours	128 hours	224 hours
	11 – 20 years (121-240 months)	13.33 hours	160 hours	256 hours
	21+ years (241+ months)	16 hours	192 hours	288 hours
EMPLOYEES REGULARLY SCHEDULED TO WORK 10 HOUR SHIFTS				
Employees	Years Of Service	Total Accrual Per Month	Vacation Leave Per Year	Maximum Accrual
REGULAR FULL-TIME	0 – 5 years (0-60 months)	10 hours	120 hours	240 hours
	6 – 10 years (61-120 months)	13.33 hours	160 hours	280 hours
	11 – 20 years (121 – 240 months)	16.66 hours	200 hours	320 hours
	21+ years (241+ months)	20 hours	240 hours	360 hours
EMPLOYEES REGULARLY SCHEDULED TO WORK 12 HOUR SHIFTS				
Employees	Years Of Service	Total Accrual Per Month	Vacation Leave Per Year	Maximum Accrual
REGULAR FULL-TIME	0 – 5 years (0-60 months)	12 hours	144 hours	288 hours
	6 – 10 years (61-120 months)	16 hours	192 hours	336 hours
	11 – 20 years (121-240 months)	20 hours	240 hours	384 hours

	21+ years (241+ months)	24 hours	288 hours	432 hours
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C. Vacation leave will be accrued at the end of each month. Employees at the maximum accrual or who will reach the maximum accrual during the current accrual period must decrease their hours below the maximum by the 10th of the current month in order to continue to accrue vacation leave. Vacation leave will not accrue above the maximum accrual amount.

D. An employee must receive prior approval from his/her supervisor to use vacation leave. The employee must submit his/her request in writing to the Department Director or supervisor, with at least two weeks' notice, when possible. Supervisors should return the approved or denied request back to the employee within five days of receipt.

E. Employees may not take more vacation leave than they have accrued.

F. Vacation leave must be taken in a minimum of one-hour increments.

G. Upon termination from employment, employees with at least 12 months of continuous service will be paid unused accrued vacation leave up to the maximum accrual amount at a rate based upon the employee's final hourly pay rate. Vacation leave may not be used to extend an employee's termination date or in lieu of a notice of resignation or retirement, without City Manager approval.

7.07 Sick Leave

A. All regular full-time employees in a paid status accrue sick leave. Although an employee in an unpaid leave status does not accrue sick leave, unpaid leave status does not constitute a break in service for sick leave accrual rate determination purposes. An employee is eligible to take sick leave if the employee has successfully completed the 180-day probationary period.

B. Sick leave benefits are paid due to: a) personal illness, birth of a child, injury, or disability; b) health care appointment or treatment of employee or immediate family member; or c) illness, injury, or disability of an immediate family member. For this policy, immediate family member is defined as an employee's spouse, parents, children, grandparents, grandchildren, and/or step-children.

The accrual rates are as follows:

EMPLOYEES	ACCRUAL PER MONTH	ANNUAL ACCRUAL	MAXIMUM ACCRUAL
Regular, Full-Time 8 Hour Shifts	8 hours	96 hours (12 days)	960 hours
Regular, Full Time 10 Hour Shifts	10 hours	120 hours (12 days)	1,200 hours
Regular, Full Time 12 Hour Shifts	12 hours	144 hours (12 days)	1,440 hours

C. The accrual is not available for the employee to use until the first day of the month following the month earned.

D. Sick leave must be taken in increments of one-half hour.

E. Sick leave may never be used for any reason other than described above. The use of paid sick leave for any purpose other than those described above shall be grounds for disciplinary action including termination, and/or denial of use of paid sick leave.

F. Although the City provides sick leave accrual at a specified rate, excessive absences or a pattern of absences by the employee may signal a performance problem. Employees with excessive absences or a pattern of absences may be required to provide more frequent medical statements than other employees. A supervisor may take corrective action by setting attendance goals through a Performance Improvement Plan or enforcing the appropriate disciplinary action. Attendance will be part of the annual evaluation process. Legitimate absences protected by law are not considered excessive under this policy.

G. Moonlighting and/or work at another job, or other activities inconsistent with sick leave, are prohibited while on approved sick leave.

H. All accrued but unused sick leave will be forfeited upon separation from employment. Sick leave may not be used after an employee has provided notice of resignation or retirement without medical certification.

7.08 Funeral Leave

A. Full-time regular employees are eligible to receive pay for funeral preparation and service. Up to three of the employee's regular work days will be granted due to the loss of an immediate family member. The term "immediate family member" means the employee's spouse, or the employee's or employee's spouse's parents, grandparents, siblings, or children.

B. If additional time off is needed, or if the employee wishes to attend a funeral of an individual not listed above, earned vacation or comp time may be used, or an unpaid personal leave of absence may be granted upon approval by the employee's immediate supervisor and the HR Director. Documentation to verify death may be required to approve funeral leave.

7.09 Pregnancy & Childbirth Leave

Time off from work related to the employee's or employee's spouse's pregnancy is treated as any employee illness or short-term disability with regard to use of leave. Both male and female employees may use sick leave, vacation, and/or comp time for the health issues surrounding pregnancy and childbirth, and to bond with a new baby, with notice and preapproval. Eligible employees may also use concurrent FMLA leave for the paid and unpaid portions of the leave.

7.10 Jury or Witness Duty Leave

The City grants time off with pay to full-time regular employees who receive a court summons for jury duty or for attendance as a non-party witness for a court proceeding. The employee who receives a jury summons or is subpoenaed should notify his/her supervisor, as far in advance as possible of the date he/she is to serve or appear in court. If an employee is released from jury or witness duty at a time where 50% or more of the employee's regularly scheduled work hours remain for that day, the employee must report to work for the remainder of the day. To be eligible for paid leave, an employee must present the summons for the jury or witness duty in question to his/her supervisor of the Department Director, and may also be required to present certification of the dismissal date and time upon the employee's return to work. An employee may retain any monies paid to the employee from jury service.

7.11 Military Leave

A. Federal and State Law. The City complies with all federal and state laws regarding the use of military leave, and does not discriminate against employees who serve in the military. The City supports its employees and their service in state and national military units and provides them with a number of military leave benefits. However, temporary employees who have brief or non-recurrent positions with the City and who have no reasonable expectation that their employment with the City will continue indefinitely or for a significant period of time are generally ineligible for reemployment rights under this policy. This policy covers employees who serve in the uniformed services in a voluntary or involuntary basis, including active duty, active duty for training, initial active duty for training, inactive duty training, and full-time National Guard duty.

B. Paid Leave for Training and Duty. The City grants up to 15 days per fiscal year of paid leave to an eligible employee who is a member of a state or U.S. military force or reserves. The paid leave days may be consecutive or scattered throughout the year and will not be charged to other categories of leave. Pay shall be calculated at the employee's

regular base pay rate in effect on the date the military leave is granted, based on regularly scheduled work hours. There is no carry-over of unused military leave.

C. Other Paid Leave. Employees who are not eligible for paid military leave or who have exhausted all available paid military leave may, at their option, use any other available paid leave time (e.g., vacation leave) to cover an absence from work.

D. Notice of Need for Leave. Employees must provide as much advance written or verbal notice to the City as possible for all military duty, unless giving notice is impossible, unreasonable, or precluded by military necessity. Normally, notice must be given no later than 24 hours after the employee receives military orders. Eligibility depends on the employee submitting official documentation showing the purpose and expected duration of the leave.

E. Unpaid Leave. After an employee has exhausted all available paid military leave, including any other paid leave time that the employee chooses to use to cover a military absence, the employee will be placed on leave without pay for up to five years, or longer as required by federal law.

F. Re-employment Rights. In most instances, employees who complete their military service will be re-employed to their previous position or a similar position with the City. Employees returning from military leave may be rehired in the position they would have had with reasonable certainty if they had been continuously employed. Since most jobs and promotions in the City are not awarded based on seniority, it is impossible to know what job an employee might have had if he/she had been continuously employed. This means most employees returning from military leave will typically be restored to the job they had at the time they left on leave.

G. Required Documentation. To qualify to return to work, an employee returning from military leave must provide documentation of the length and character of his/her military service to the City. Evidence of discharge or release under honorable conditions must be also submitted to the City if the military leave lasted more than 31 days.

H. Benefits. During paid military leave, or other military leave of less than 31 days, the City will continue to provide its portion of the monthly premium for health insurance. For unpaid military leave, the employee may elect to continue such coverage for the employee and his/her dependents for up to 24 months while in the military. Employees must pay 102% of the full premium for the coverage elected. Upon return to employment following military service, the City will reinstate health insurance coverage without any waiting period or exclusions, except for service-connected illnesses or injuries.

I. Leave Accrual. While on paid military leave, employees will continue to accrue vacation, sick leave, and other benefits provided to other employees on paid leave. While

on unpaid military leave, employees are generally ineligible for most City-provided benefits. Paid leave does not accrue while an employee is on unpaid leave, including unpaid military leave. While on unpaid military leave, benefit accruals will be suspended and will resume upon the employee's return to active employment with the City. Once an employee returns to work following unpaid leave, he/she will be treated as though he/she were continuously employed for purposes of determining benefits based on length of service, such as vacation accrual.

J. Deadline to Notify City of Intent to Return to Work. The period an individual has to make application for reemployment or report back to work after military service is based on time spent on military duty. For service of less than 31 days, the employee must return at the beginning of the next regularly scheduled work period after an eight-hour rest period. For service of more than 30 days but less than 181 days, the employee must submit an application for re-employment within 14 days of release from service. For service of more than 180 days, an application for reemployment must be submitted within 90 days of release from service. Service members convalescing from injuries received during service or training may have up to two years from the date of completion of service to return to their jobs or apply for reemployment.

K. Changed Circumstances. If the City's circumstances have changed to such an extent that it would be impossible or unreasonable to re-employ an employee, the City has no legal obligation to re-employ an employee following his/her return from military leave. For example, a reduction-in-force that eliminates the position held by an employee returning from leave excuses the City from its obligation to re-employ the employee.

7.12 Administrative Leave

On a case-by-case basis, and if the City Manager determines it to be in the best interest of the City, the City may place an employee on administrative leave with pay (such as, for example, pending investigation of misconduct) or administrative leave without pay (such as, for example, to deal with a natural disaster or medical emergency) for a specified period of time not to exceed 90 days. The employee will be eligible for benefits during this period but will not accrue additional leave benefits.

7.13 Personal Leave of Absence without Pay

A. Due to compelling personal reasons, it may be necessary for an employee to request a personal leave of absence from employment. An approved personal leave of absence is necessary for any excused absence of more than seven days. Nothing in this policy is intended to conflict with the provisions of the Family and Medical Leave Act; if the personal leave qualifies for FMLA leave, then the provisions of the FMLA policy, and not this policy, apply.

B. The following conditions apply to all Personal Leaves of Absence:

1. Regular full time employees with at least three months of service may be granted a personal leave of absence for any reason deemed satisfactory to the City, for a period not to exceed 90 days, and when the granting of such leave is in the mutual interest of the City and the employee. Such leave shall be requested in writing no less than 14 days prior to the beginning of the leave, and shall be considered for approval by the employee's supervisor and the City Manager.
2. The City will make reasonable efforts to reinstate an employee returning from leave to either his/her previous position or other job vacancy for which the employee is qualified. However, the City reserves the right to fill or eliminate any job position, unless required by law.
3. The City will terminate an employee from employment if it finds that the employee accepted other employment while on a personal leave of absence or who engaged in business for himself/herself while on a personal leave of absence. The City will consider that an employee not returning to work upon the expiration of the personal leave of absence has voluntarily terminated his/her employment with the City.
4. All benefits will be continued during a personal leave of absence, except retirement benefits, based on the rate of pay or benefit tier selected as long as the employee continues to pay their share of the cost of the benefit. If payroll deductions cannot be made because an employee is no longer receiving pay, the employee may consult HR prior to the effective date of the leave to make other arrangements for paying premiums.

7.14 Inclement Weather / Disaster Policy

A. Whether City Hall and its operations are open or remain open to the public during inclement weather or other disaster situation will be made by the City Manager. Whether the individual employee is expected to come to work in case of a closing, such as to provide emergency services, is up to the employee's Department Director. If the employee's work location is open, the employee should make a reasonable effort to report to work on days of inclement weather.

B. Where the City Manager officially closes a facility(s) so that an employee is not expected to come to work, the employee will receive normal wages for the day. In other cases, missed time due to legitimate safety or other concerns caused by inclement weather or disaster may be charged to the employee's accrued vacation or comp time leave hours. An employee who is unable to report to work due to inclement weather must contact his/her supervisor in accordance with the Attendance and Punctuality Policy. If an employee has no paid leave available, the employee may request authorized leave without pay. Part-time employees will be paid only for time actually worked unless the City Manager officially closes the facility where the employee works. Temporary/seasonal employees will be paid only for time actually worked.

C. The City recognizes that there may be times when an exempt employee(s) may be required to be present at City Hall or another facility for an extended period of time due to a natural disaster, emergency situation, or other unforeseen situation. During these times, as designated by the City Manager, the City will pay these exempt employees actual hours worked for any hours that may exceed the standard 40 hour work week rather than just the standard salary payment.

7.15 Family and Medical Leave Act (FMLA)

A. General Provisions. In accordance with the Family and Medical Leave Act (FMLA) the City will grant up to 12 weeks of job-protected leave per 12-month period to eligible employees for the following family and personal medical reasons:

1. To care for the employee's child following birth, adoption, or placement of a child into the employee's foster care. Such leave must be taken within the 12-month period following the child's birth or placement with the employee. If married spouses both work for the City, their total leave in any 12-month period may be limited to an aggregate of 12 weeks if the leave is taken for the birth or placement of a child.
2. To care for the employee's spouse, child, or parent who has a serious health condition or where a serious health condition makes the employee unable to perform the essential functions of the job, including incapacity due to pregnancy, prenatal medical care or childbirth. A "serious health condition" is an illness, injury, impairment, or physical or mental condition that involves: a) an overnight stay in a medical care facility; b) incapacity requiring absence from work for more than three consecutive days and that involves continuing treatment (two or more visits within 30 days) by a health care provider; c) continuing treatment by a health care provider for a chronic or long-term health condition that is incurable or which, if left untreated, would likely result in a period of incapacity of more than three days; or d) prenatal care by a health care provider.
3. To attend to a qualifying exigency arising out of the fact that the employee's spouse, child, or parent is on covered active duty or has been notified of an impending call or order to covered active duty in the Armed Forces. "Qualifying exigencies" include attending certain military events, arranging for alternative childcare or eldercare, assisting with quick deployment, addressing certain financial and legal arrangements, attending certain counseling sessions, spending up to 15 days with military member during temporary leave; attending post-deployment reintegration briefings; and other additional activities related to the call to covered active duty.

B. Military Caregiver Leave. Eligible employees may take up to 14 weeks of additional leave (total 26 weeks) during a single 12 month period to care for the employee's spouse, son, daughter, parent, or next of kin who is a covered service member with a serious injury or illness incurred in the line of active duty in the armed forces. Available leave not taken during the 12-month service member period, which begins on the first day leave is taken, will be forfeited. No more than 26 weeks of leave may be taken in the single 12-month period, and no additional extended leaves may be taken in other years for the same injury or illness. If married spouses both work for the City, their total military caregiver leave may be limited to an aggregate of 26 weeks.

C. Eligibility. Employees are eligible for coverage under the FMLA if they have been employed for the City at least one year total over the last seven years and have worked at least 1,250 hours over the previous 12 months.

D. Intermittent or Reduced Leave. An employee may take leave intermittently, for example a few days or a few hours at a time, or on a reduced leave schedule. The employee may be required to transfer temporarily to a position with equivalent pay and benefits that better accommodates recurring periods of leave. An employee may not take intermittent leave following the birth or placement of a child except at the discretion of the City.

D. Employee Responsibilities.

1. When the need for leave is foreseeable, employees shall provide the City 30 days' advance notice of the need to take FMLA leave by completing the FMLA Request Form. The employee must submit the form to his/her supervisor or the Department Director. When 30 days' notice is not possible, the employee shall provide as much notice as practicable. If the employee is unable to complete the form, the employee's supervisor shall complete the form commencing with the fourth work day of the employee's absence.
2. Employees must provide sufficient information for the City to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information includes that the employee is unable to perform the essential functions of their position, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, a due date or placement date of a child, or circumstances supporting the need for military family leave. Where applicable, employees must inform the City if the requested leave is for a reason for which FMLA leave was previously taken.

3. Once the request is received by the employee's supervisor or Department Director, the employee is required to present medical certification or qualifying military family exigency certification to support the request for leave within 15 days after the request. If the employee fails to provide adequate certification within this time period, the City will inform the employee in writing what additional information is necessary and will allow the employee at least seven days to provide such information. Employees requesting extended military caregiver leave must provide documentation of the injury, recovery or need for care, such as an official Armed Forces communication, showing that the injury or illness was incurred on active duty and, in the case of a member, renders the member medically unfit to perform military duties, or in the case of a veteran that the veteran was a member of the Armed Forces within the preceding five years.
4. When planning medical treatment, an employee must make a reasonable effort to schedule the leave so as not to unduly disrupt the City's operations.
5. If the leave is for the employee's personal illness or injury, the employee must submit a return to work form, stating the employee is able to perform the essential functions of their position, prior to the City reinstating the employee to active duty.

E. Job Benefits and Protection.

1. During approved FMLA leave, the City will maintain the employee's health insurance benefit as if the employee was not on leave. If the employee is on unpaid leave, payment benefits normally made through payroll deduction must be submitted through direct payment from the employee.
2. Upon return prior to expiration of FMLA leave, employees shall be returned to their regular job assignment, or an assignment with equivalent pay, benefits, salary, and other employment terms.
3. The use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of the leave.
4. The employee's restoration rights are the same as they would have been had the employee not been on leave. If the position would have been eliminated or the employee would have been terminated but for the leave, the employee does not have the right to reinstatement to a position upon return from leave.

5. If the employee fails to return to work by a previously agreed upon date, without further communication, the City will consider that he/she has abandoned the job.
6. If an employee voluntarily does not return from FMLA leave, the employee will be responsible for any insurance premiums which were paid by the City on the employee's behalf.

F. Use of Paid Leave. An employee is required to use accrued paid leave, including paid vacation, sick leave, compensatory time, and workers' compensation, for any part of FMLA leave, if the reason for leave allows the use of the accrued leave. When an employee has used all of his/her applicable accrued paid leave, the employee may request an additional period of unpaid leave so that the total paid and unpaid leave provided equals 12 weeks (or 26 weeks if combined with military caregiver leave).

G. Calculating Leave. FMLA Leave is calculated on a rolling 12-month period measured backward from the date the employee begins FMLA leave. For military caregiver leave, leave is based on a single 12-month period measured forward from the first day leave is taken.

H. Definitions.

- "Child" means a child either under 18 years of age, or 18 years of age or older who is incapable of self-care because of a disability, for whom the employee has actual day-to-day responsibility for care, including a biological, adopted, foster, or step-child. For purposes of a son or daughter on covered active duty or call to covered active duty, or for military caregiver leave, the child may be of any age.
- A "covered service member" means: 1) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness; or, 2) a veteran who is undergoing recuperation for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the preceding period of five years.
- "Next of Kin" means the nearest blood relative of a covered service member.
- "Parent" means a biological parent of an employee or an individual who stood in place of a parent to an employee when the employee was a child.
- "Veteran" means a person who served in the active military, naval, or air service, and who was discharged or released under conditions that were not dishonorable.

7.16 Limitations on Leaves of Absence

A. With the exception of leaves of absence for military duty, no leave of absence or other period of inability or failure to perform full-duty work, by itself or in combination with other periods of leave, whether taken consecutively or intermittently, may exceed the greater of six months or the employee's total accrued paid time off. Employees exceeding these limits will be separated from employment due to unavailability for work, except as otherwise required by law, and will normally be eligible for rehire. An employee will be considered unavailable for work if the employee cannot perform the essential functions of the job, with or without reasonable accommodation.

B. The City will comply with the Americans with Disabilities Act when additional, limited time off is necessary to accommodate an employee's disability, such leave is for a specified time period, the leave can be granted without undue hardship to the City, and the employee is otherwise qualified for the position.

VIII. CONDUCT

8.01 General Conduct Policy

A. The safety and welfare of the public is at all times held as a central mission of the City. Employees shall maintain the highest ethical standards and represent the City to the public in a professional manner that is trustworthy, courteous, efficient, and helpful. Employees must maintain a clean and neat appearance appropriate to their work assignment, as determined by their position and Department Director.

B. City employees shall:

- Exhibit pride and loyalty in all matters pertaining to the City and each other and maintain high standards of competence, dignity, and fairness;
- Not be part to any illegal or improper activity;
- Not engage in acts or activities which are disgraceful or unbecoming to a City employee;
- Not do anything which may be in conflict with the interests of the City or which would hurt their ability to do their jobs;
- Not accept gifts, goods, services, or materials of value from suppliers, vendors, or others that could create a perception of an intent to influence the employee in his/her official capacity;
- Exercise care and discernment in the use of information acquired in the course of their duties. Employees shall not use confidential information for any personal gain nor in any manner, which is against the law or damaging to the City's welfare;

C. The professional operation of the City depends on each employee's on-going job performance, professional conduct and behavior, and the City has established certain

minimum standards of personal conduct. Among the City's expectations are: basic tact, respect, and courtesy towards the public and fellow employees; adherence to all laws and City policies, procedures, safety rules, and safe work practices; compliance with directions from supervisors; preserving and protecting the City's equipment, grounds, facilities and resources; and providing orderly and cost efficient services.

D. No manual, policy, or procedure can realistically attempt to list all possible behaviors that would be viewed as unacceptable; accordingly, employees are required to use common sense in their conduct and behave at all times in an honorable, safety-conscious, and business-like manner.

E. In addition to the overall principles stated above, the following are additional examples of acts which could lead to disciplinary action, up to and including immediate termination. This list is not intended to be all-inclusive and employees may be disciplined or terminated for other acts or behavior not listed below:

- Unacceptable quality or quantity of work;
- Verbal or physical abuse or threatening of another person;
- Excessive tardiness and/or absenteeism, leaving early without authorization, or failing to provide proper notice of tardiness or absenteeism;
- Dishonesty, insubordination, including refusal to acknowledge a policy, written warning, or other notice;
- Lack of attention to job duties, wasting time, sleeping on the job, hindering others in the performance of their jobs, or leaving workstations without permission;
- Disclosing confidential City information, or treating such information carelessly.
- Safety violations or damage to City property;
- Theft of service (time), City property, or another employee's property;
- Spreading rumors, gossip, or engaging in other non-productive, negative work activities;
- Falsification of records;
- Failure to cooperate during City investigations;
- Possession of unauthorized weapons, alcohol, or illegal drugs;
- Conduct prejudicial to good order, for example:
 - Fighting or using profane, abusive, or threatening language;
 - Using unnecessary loud or boisterous language or offensive or lewd conduct;
 - Intentionally destroying or threatening destruction of City or another's property;
 - Stalking or conducting unauthorized surveillance on another; and/or
 - Playing of practical jokes, engaging in horseplay, or other disruptive behavior.
- Conduct inconsistent with the interests of or detrimental to the City;

- Violation of any other City policies, procedures, instructions, or ordinances;
- Conduct outside of work hours unbecoming a City employee; and/or
- Conduct which is criminal in nature (regardless of criminal conviction).

F. City employees shall also review and observe the *Customer Service Standards*, [Customer Service Standards](#).

G. Each department may establish its own standard operating procedures and work rules that may be more prohibitive in establishing standards and guidelines for employees.

8.02 Outside Employment

A. Employees may not engage in any outside work (“moonlighting”) or other activity, which is inconsistent with or will create conflict in any manner with an employee’s duties at the City and expected regular and predictable attendance. Outside employment which will bring discredit on the City, or which is in violation of law, is not permitted.

B. Prior to accepting any outside employment, an employee shall disclose in writing the nature and scope of the outside employment to his/her supervisor, including work schedule, job duties, and any anticipated impact the additional job might have on his/her position.

8.03 Uniforms and City Equipment

A. Some employees may be required to wear or use City-provided equipment and/or uniforms on the job. Such employees will be expected to maintain uniforms in an acceptable manner. City equipment and property, including files and documents, may not be removed from City property or vehicles without proper authorization. All equipment and property must be secured prior to leaving work for the day. Any damage or loss of City equipment must be reported immediately to the employee’s supervisor. Any City-issued property or uniforms must be returned in good condition upon request or upon termination of employment. No uniform or piece of equipment may be utilized away from the job without prior written permission from the employee’s supervisor or Department Director.

B. An employee who causes or permits loss or damage to City property or equipment through a negligent act or omission, or otherwise misuses or abuses City property or equipment, may be held responsible for the cost of repair to or replacement of damaged, destroyed or lost City property for which they have been determined to be responsible.

8.04 Dress & Appearance Guidelines

A. The City is principally a public-service organization. Image and presentation are important to its success. While representing the City, employees must dress appropriately and professionally and present a clean and neat appearance. The City allows business casual dress in the work place year-round, in accordance with this policy,

or as otherwise directed for each department or work group. Department Directors and supervisors are responsible for establishing and enforcing dress codes for their individual departments, and are the final authority on appropriate appearance.

B. Professional business attire or a required uniform is to be worn when there is a need to present a more formal professional appearance for meetings or special events. Suits, dress shirts, and ties for men and suits or dresses for women are proper attire for personnel scheduled for agenda presentations (*i.e.*, City Council meetings, receptions, etc.). Police and Fire Department employees may be covered under departmental policies regarding appropriate dress and appearance.

C. The following guidelines will help define day-to-day acceptable business casual attire.

- Clothing should be in good condition, pressed, and not wrinkled. Torn, dirty, or frayed clothing is always unacceptable.
- Clothing should be worn and fit in such a manner that it does not expose the abdomen, chest, back, cleavage, or buttocks areas. Clothes must fit properly and not be overly loose or tight.
- Revealing attire such as tank tops, spaghetti straps, tube or halter tops, miniskirts, and/or attire that would expose undergarments may not be worn.
- Sweatshirts, sweatpants, t-shirts, and shorts are not acceptable. However, sweatshirts and t-shirts with a City logo are allowed.
- Clothing should be free of advertising messages, sexually related references, foul language, and must not suggest or promote the use of alcohol or drugs.
- Clothing, jewelry, and hair should not create a safety hazard.
- Body piercing jewelry will only be worn on the ear. No other areas of the body should be visible with body piercing jewelry including, lip, nose, eye, and tongue.
- Visible tattoos must be appropriate in content and in keeping with a professional image.
- Makeup and perfume should be in good taste and not considered extreme.
- Employees must maintain good hygiene and not have offensive body odor.
- Hats are usually not appropriate in the work place.

D. Department Directors may authorize a more casual dress code in their departments, such as wearing jeans on non-designated casual days. Employees who are permitted to wear jeans or other casual attire must be mindful of meetings, public appearances, and other work obligations; it is their responsibility to dress more formally when appropriate.

E. Employees who require dress code accommodations for religious or medical reasons should contact their supervisor and/or the HR Director.

F. No dress code can cover all contingencies. Employees are expected to use common sense and good judgment when dressing for work. If unsure, employees should ask their supervisor before wearing the item to work.

G. The City has designated Fridays as a casual/jeans day. In addition, the day before an official City observed holiday is designated as a casual/jeans day. The City Manager or HR Director may occasionally declare other days as casual/jeans days in advance. On these days, jeans, well-kept athletic shoes, and a more casual approach to dressing is allowed, although never offensive, inappropriate, unclean, or revealing. All rules about the acceptability of clothing apply on casual/jeans day.

H. The City supplies certain personnel with uniforms. Employees in jobs that require a uniform will be told how and where the uniforms can be obtained and how it must be worn. The City will provide replacement uniforms as necessary. Uniforms must be clean and neat. Uniforms may not be used outside of work, for personal use, or by any third party, except to and from work, or as specifically authorized for outside law enforcement jobs.

I. Department Directors and supervisors are responsible for establishing dress codes for their individual departments and jobs, and are the final authority on appropriate appearance. Employees in violation of this policy may be sent home, and nonexempt employees will not be paid for work time missed. Employees whose grooming or personal appearance violates this policy may be disciplined, up to and including termination of employment.

8.05 Workplace Harassment, including Sexual Harassment

A. The City is fully committed to the enforcement of state and federal laws that prohibit workplace harassment. All employees are prohibited from engaging in the harassment of any employee or any person in the course of or in connection with employment. The desired standard of employee behavior is one of cooperation and respect, despite any differences. The City will not tolerate any infractions of this policy by its employees, officials, volunteers, interns, contractors, or any other outside parties, including citizens, vendors, suppliers, and those delivering products. Prohibited workplace harassment includes, but is not limited to: slurs, jokes, and other verbal or physical conduct relating to a person's race, color, sex, religion, national origin, citizenship, age, disability, sexual orientation, genetic information, and other protected categories. Prohibited harassment also includes any unwelcome sexual advances, requests for sexual favors, unwelcome or offensive touching, and other unwelcome verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such person; or

- Such conduct has the purpose or effect of unreasonably interfering with a person's job performance or creates an intimidating, hostile, uncomfortable, or offensive work environment.

B. Examples of conduct prohibited by this policy include:

- Jokes, comments, teasing, criticizing differences, negative stereotyping, posting or showing images, or other offensive and unwelcome behavior based on a person's age, ancestry, color, creed, medical condition, national origin, disability, race or religion that creates a hostile, offensive, or intimidating work atmosphere or results in the loss of tangible job benefits.
- Unwelcome sexual advances, including physical contact such as patting, pinching, or purposely rubbing up against another's body, requests for sexual favors, unwelcome flirting, or propositions.
- Asking unwelcome questions or making unwelcome comments about another person's sexual activities, dating, personal or intimate relationships, or appearance.
- Unwelcome conduct, images, communications, or remarks that are sexually suggestive or that demean or show hostility to a person because of the person's gender, including "kidding", jokes, pranks, teasing, obscenities, obscene or rude gestures or noises, slurs, epithets, taunts , threats, blocking of physical movement, or similar conduct.

C. Harassment also includes actions taken by non-employees whom employees are required to encounter in their jobs, when related to sex or protected classifications.

D. An employee who believes that he/she has been the subject of, or who has witnessed an act constituting harassment or retaliation against anyone else as prohibited by this policy is urged take the following steps:

1. Politely but firmly confront the person doing the harassing. The employee should state how he/she feels about the harasser's actions and request that the person cease the harassment immediately.
2. If the harassment continues or if the employee does not feel comfortable confronting the harasser, the employee should report the behavior to his/her immediate supervisor or Department Director.
3. If the employee's immediate supervisor and/or Department Director is the harasser, or the employee is not comfortable for any reason reporting the behavior

within the department, he/she may report the behavior to the HR Director or anyone within HR.

E. An employee may at any time confer with the HR Director or HR to discuss whether behavior violates this policy, and/or how to address it. It is not necessary for the employee to take all of the steps listed above. At any time, the employee may make a report directly to HR Director or another employee within HR.

F. The City shall promptly investigate all complaints of workplace harassment and unlawful retaliation and in as confidential a manner as possible, while still conducting a thorough investigation. The HR Director will conduct, or cause to be conducted, the investigation.

G. Where the investigation reveals that the complaint is valid, prompt corrective action designed to stop the harassment immediately and to prevent its recurrence will be taken, up to and including immediate termination from employment.

H. When appropriate, the HR Director or designee will provide a written response to the complainant and appropriate management staff at the conclusion of the investigation.

I. It is the responsibility of all Department Directors and supervisors to ensure that their employees are adequately informed about the City's policy against workplace harassment, and that employees are able to work in an environment free from all forms of discrimination, including harassment. Such responsibilities include:

- Staying aware of the work environment of their subordinates to ensure that the work environment is harassment free.
- Taking immediate steps to correct any inappropriate conduct they see or hear.
- Giving complaints of harassment prompt attention and reporting them immediately to the HR Director.
- Taking steps to ensure that complaints of harassment and the investigation into allegations remain confidential. No supervisor shall release any information concerning such complaints to a third party or to anyone within the City not authorized to know of the investigation.

J. When conduct that may violate this policy is witnessed by or brought to the attention of a Department Director or supervisor, failure of that person to take action as outlined above may subject him or her to disciplinary action, up to and including termination.

K. Department Directors and supervisors must use a great deal of discretion in their social relationships with other employees, particularly their own subordinates. This is to avoid compromising their ability to function as an impartial party who can treat all

employees fairly. Department Directors and supervisors should avoid social relationships with their subordinates that may lead to an impression of favoritism or bias, and are prohibited from engaging in romantic or sexual relationships with those within their chain of command.

L. Every employee has a right to report harassment or participate in an investigation without fear of retaliation. Retaliation of any kind against an employee who makes a complaint of discrimination or harassment or against an employee who participates in an investigation concerning a complaint of discrimination or harassment is strictly prohibited. Any employee retaliating against another employee will be subject to disciplinary action, up to and including termination.

8.06 Political Activities

A. The City is a nonpartisan, public organization. Employees are encouraged to exercise their political and voting rights as citizens, during non-work hours away from the office. An employee may not engage in political activities while on duty or in uniform. For purposes of this policy, “political activities” include: a) making a public speech supporting or opposing any candidate; b) distributing political or campaign literature; c) wearing a campaign button; d) circulating or signing a candidate petition; e) soliciting votes or campaign contributions for a candidate.

B. While out of uniform and not during work hours, an employee may engage in political activities, but should never imply that his/her personal political opinions reflect the opinions of the City or its departments or officials. City-owned facilities, personnel, equipment, supplies, vehicles, computers, communications, or other resources may not be used in or for any political activity.

C. An employee who plans to run for political office must consult with his/her Department Director and the HR Director before campaigning or filing for such office. The Department Director and the HR Director, in consultation with the City Manager as necessary, will determine if potential conflicts of interest or other reasons exist that could require a leave of absence or other measures to avoid the appearance of or actual conflict of interest with the duties of employment and the City’s interests. A City employee who is elected to the Kerrville City Council automatically resigns his/her position with the City. Employees elected to any other political office must report the election to their Department Director and the HR Director for a determination of whether the City must take measures to avoid the appearance of or actual conflict of interest with the duties of employment and the City’s interests.

8.07 Gifts and Gratuities

A. Employees may not accept or solicit gifts which are in any way connected with City business relationships, or could be perceived in any way as intended to influence the employee in his/her official capacity. Examples of prohibited gifts include:

- loans or advances, except normal and customary financial services from financial institutions;
- compensation from outsiders for services or time for which you are being paid by the City;
- vacations or hunting trips;
- discounts, favors, benefits, tickets, entertainment, products or services not available to the general public under similar terms

B. A “gift” does not include a reasonable meal accepted as a guest, a food item given for a work group to share, or a promotional item of nominal value of the sort typically given at conference vendor booths. An award or gift received in a public ceremony may be accepted when approved by the Department Director.

C. Should an employee receive a prohibited gift, the gift shall be immediately returned and accompanied by a letter stating that the gift is being returned because City policy does not permit employees to accept gifts. Copies of all such letters should be sent to the Department Director and the HR Director.

8.08 Conflicts of Interest

A. City employees, per the City Charter, are prohibited from being financially interested in any contract with or sale to the City. Further, employees should avoid even the appearance of conflict or self-dealing, such as the following examples:

- to use or reveal outside the City, without authorization, confidential information concerning the City;
- to use or permit others to use City employees, materials, or equipment improperly for personal, political, or outside business purposes;
- to speculate or deal in securities or acquire an interest in a firm with which the City is negotiating or contemplating negotiating a business relationship;
- to serve as an officer, director, employee, or a consultant of, or receive income from, any enterprise doing business with the City, or seeking to do so;
- to speculate or deal in products purchased by the City, or for which any negotiations to purchase are pending or may reasonably be anticipated, or to receive any compensation, gift, bonus, gift certificate, or commission from an outsider in connection with any such transaction; and/or
- to give or receive a bribe, kick-back or pay-off.

B. If you are involved in any situation or transaction, which may be considered a conflict of interest, you must report the situation immediately to your supervisor or Department Director.

8.09 Use of City Vehicles

A. Certain employees may be authorized to use a City vehicle during work hours. The Department Director may recommend a take-home vehicle for an employee if the following criteria are met:

- The employee is the primary operator of the vehicle;
- The employee resides within 15 miles of the Kerrville city limits;
- The employee is authorized to drive a City vehicle; and
- The employee has not had the privilege revoked.

B. The commuting benefit of the take-home vehicle will be taxed as a fringe benefit per IRS regulations, based on the use of and type of vehicle.

C. Department Directors are responsible for assigning and monitoring the use of City vehicles.

D. General provisions applicable to the use of City vehicles:

- All drivers must maintain an insurable driving record, must be personally insured, and be able to show proof of insurance at any time they are performing driving duties, including driving their personal vehicle on City business.
- All drivers must obey all traffic laws while operating a City-owned or leased vehicle, or driving on City business.
- City vehicles are to be used only for conducting official City business. Personal use is prohibited with the exception of incidental personal use.
- The City reserves the right to search its vehicles at any time, for any purpose. Employees have no expectation of privacy in City vehicles.
- The operation of City vehicles by non-employees is not allowed, including take-home vehicles.
- All precautions shall be taken to ensure the safety and security of City vehicles, including locking all doors and/or compartments and properly parking vehicles.
- The personal use of take-home vehicles is not allowed other than commuting and incidental personal use along the commuting route.
- Carpooling to and from work and home in a City vehicle is not allowed, even with other City employees. Others may ride in a City vehicle only for bona fide City purposes.
- If an accident occurs while taking a vehicle home, the employee and their supervisor shall report the accident to their Department Director immediately.

- Employees may not use alcohol or any tobacco product while operating a City vehicle.
- Employees may not be under the influence of or possess alcohol in any City vehicle.
- Cell phones shall not be used, except in hands-free mode, while operating or fueling a City vehicle.
- Fines resulting from violations of motor vehicle regulations are the responsibility of the employee driving and will be paid for by the employee.
- Any driver with a suspended or revoked driver's license must immediately notify their Department Director or supervisor. That employee will no longer be eligible to operate a City vehicle or drive on City business.
- Any driver who becomes uninsurable, as determined by the City's insurance carrier, will be reassigned to other duties or may be terminated from employment at the City's option.

8.10 Cell Phone Use While Driving

The use of a hand-held communication device while driving a motor vehicle can cause distraction to the driver, which can result in accident and injury. To maintain safety for our employees and others on the road, any employee who is driving a vehicle on City business shall not dial numbers or enter coordinates, compose, read, or respond to emails, text messages, or other communications that require the act of typing into or reading a cellular phone or other communications device while driving. The driver at all times must pull the vehicle out of traffic and park in a safe area prior to reading or sending emails, texts, or other written communications. Employees are never expected to respond immediately to supervisors or others who call, email, or text while the employee is driving. Any necessary voice calls while driving must be facilitated by the use of hands-free technology.

8.11 Smoking & Other Tobacco Products

The City strives to provide a healthy, safe, and comfortable work environment for all employees, volunteers, and visitors. Smoking, "vaping", or other use of tobacco products is prohibited in any City-owned or leased buildings and in all City-owned or leased vehicles at any time or in any location. Tobacco use is limited to designated areas, and, for employees, only prior to or after their official work day and/or during their unpaid lunch break.

8.12 Technology Acceptable Use Policy

A. The City provides employees with technology resources and electronic communication systems in an effort to help employees do their jobs more efficiently. This policy governs all use of the City's network, Internet/Intranet, electronic communications-related systems, and all associated technology, equipment, and storage devices. All users of the City's systems are covered by this policy. This policy summarizes employee

obligations; technical questions should be directed to the City's Information Technology Department ("IT Department").

- The City's communication systems, network, and Internet/Intranet access are intended for business use only. The City does allow incidental, non-disruptive, casual personal use at the sole discretion of supervisors or managers. Such use is tolerated providing it does not interfere with the performance of duties and/or the business use of these systems, is not for political purposes or personal profit, and is in compliance with all other terms of this and all other City policies.
- If there is any uncertainty regarding permissible personal use, it is the responsibility of the employee to consult his/her supervisor for clarification before proceeding.
- All information created, transmitted, or received via the City's communication systems, including but not limited to, email, network, or Internet/Intranet is the property of the City. Employees have no expectation of privacy regarding this information. The City reserves the right to access, read, review, monitor, and copy all messages and files on its computer system at any time and without notice to the relevant employee. The IT Department may review files and intercept communications for any reason, including but not limited to maintaining system integrity and ensuring employees are using the system consistent with this policy.
- Any content created or transmitted via these systems constitutes a public record and may be subject to public disclosure in accordance with state law. The City reserves the right to disclose any electronic records or data to law enforcement agencies, the media, or other third parties without the employee's consent.
- Any employee aware of a policy violation should immediately report the violation to his/her supervisor, the Director of Information Technology, or the HR Director.
- All employees are required to follow the City's [Records Retention and Management Policy](#) when considering removing any files that no longer have a practical use.
- Employees should avoid using texting for any official City business but instead use City email. Improperly deleting an electronic records or communications about City business, even when in a text on an employee's personal device, may constitute a criminal offense under the Texas Record Retention Act and a violation of the City's Record Retention policies.

B. It is the responsibility of the IT Department to create, manage, and support all user accounts. Each employee is assigned a unique Network ID (user account) and password. This information is used when accessing any electronic and communication systems.

C. By accepting an account and accessing the City's systems, an employee agrees to adhere to the City policies regarding their use. Each employee is responsible for all actions performed by his/her user account, and shall not disclose their account information, except as appropriate to the IT Department for support purposes.

D. It is the responsibility of each department to inform the IT Department of new hires and separations, so that transitional set-up or disabling tasks are completed timely.

E. Employees using the City's electronic communication systems must adhere to the following guidelines:

- Alternate connections to the City's internal network are not permitted unless expressly authorized by the IT Director.
- Only authorized personnel are permitted to access another person's email or voicemail without the user's consent. Such access will be granted only by the IT Director with permission of the HR Director or the City Manager.
- All electronic communications must conform to City anti-harassment, workplace violence, and discrimination policies, in addition to policies on respectful, professional, and ethical communications.
- Employees must abide by copyright laws, ethical rules, and other applicable City policies or laws.

F. Employees are prohibited from doing the following:

- Transmitting abusive, harassing, intimidating, threatening, and discriminatory or otherwise offensive messages via the City's electronic communication systems.
- Using the City's electronic communications systems to solicit for any purpose, personal or otherwise, without the consent of the City Manager.
- Sending, forwarding, or hosting unsolicited email messages, including the sending of "junk mail" or other advertising material to individuals who did not specifically request such material ("email SPAM").
- Opening suspicious, unrecognized, or unsolicited attachment to an email. Employees unsure about whether an attachment might be a risk to the system should consult the IT Department before opening.

G. A team effort involving the participation and support of every employee and third party who works with our information technology or on an information technology system is our best resource for securing the network. Toward that end, each employee:

- is responsible for all computer transactions that are made with his/her User ID and password.
- shall not take typically stationary equipment, including desktop computers, off site without the approval of the IT Department.
- exercise care to safeguard the valuable electronic equipment assigned to them.
- shall not, under any circumstances, connect any outside equipment to any City system, without prior authorization from the IT Director. Any employee noticing another employee or individual connecting unknown equipment shall immediately notify the IT Department.

- shall contact the IT Department if any City-owned equipment including a laptop, USB drive, or external hard drive were connected to any non-City owned equipment prior to reconnecting a device to the City's network.

H. Regarding software, each employee shall:

- Not download or install any software on his/her computer unless the IT Department provides prior approval. The IT Department is responsible for the installation, maintenance, and support of all software and updates on all information technology systems.
- Use software strictly and exclusively in accordance with the City's license agreements. Unless otherwise provided in the license, the duplication of copyrighted software is a violation of copyright law and violates this policy. Prior to any copying, the employee shall seek approval from the IT Department.

8.13 Personal Use of Social Media

A. Employees who use social media as part of their assigned job duties are responsible for reviewing and adhering to the City's [Social Media Policy](#).

B. Employees who post material on social networking and other Internet sites, blogs, or other public forums must take extreme caution not to appear to be representing the City in any manner, whether during or after their work hours.

C. Employees have the right to speak out as private citizens on matters of public concern, so long as the speech does not unduly disrupt the operations or mission of the City. Online behavior, whether on or off duty, must not otherwise cause harm to or misrepresent the City or its interests. Harassing, bullying, or demeaning coworkers or City contacts, or creating a hostile, discriminatory, or retaliatory workplace through on-line posting is prohibited and may subject the employee to discipline, up to and including termination from employment.

D. Online posts must respect the confidentiality of City information, and must respect the privacy of others' personal information, such as health, sexual orientation, home address, and family information.

8.14 Workplace Violence Prevention

A. The City is committed to preventing workplace violence and to maintaining a safe work environment. The City will not tolerate any intimidation, harassment, or other threats of or actual violence that may occur during business hours or on its premises.

B. All full-time, part-time, and temporary/seasonal employees are covered under this policy and comply with the following:

1. All employees shall be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, “horseplay”, or other conduct that may be dangerous or threatening to others. Firearms, weapons, and other dangerous or hazardous devices or substances are prohibited from the premises of the City without supervisor approval.
2. Conduct that threatens, intimidates, harasses, or coerces another employee, a customer, or a member of the public will not be tolerated. Even jokes about violence are prohibited.
3. An employee shall report a threat of or actual violence to themselves or others, both direct and indirect, whether from a coworker, official, citizen, vendor, or other member of the public, as soon as possible to his/her immediate supervisor, Department Director, HR Director, or anyone at any one of those management levels.
4. An employee shall report any suspicious individual or activity as soon as possible to his/her supervisor, Department Director, HR Director, or anyone at any one of those management levels. An employee should never place himself/herself in peril. Where an employee sees or hears a commotion or disturbance near his/her workstation or on City property, the employee should seek help immediately. In emergency situations, the employee should call 911.
5. The City will take prompt action to investigate and eliminate threats of violence in the workplace.

C. The City encourages an employee to bring a dispute or difference with another employee(s) to the attention of his/her supervisor, Department Director, or the HR Director for resolution before the situation escalates in any way, including into potential violence.

8.15 Weapon-Free Workplace

To ensure that the City maintains a workplace safe and free of violence for all employees, the City prohibits employees from the possession or use of dangerous weapons inside City-owned buildings, vehicles, and/or facilities, except when secured within the employee’s personal vehicle. A license to carry the weapon on City property does not supersede City policy. The only exception to this policy is an authorized law enforcement officer. All City employees are subject to this provision, including temporary/seasonal employees. “Dangerous weapons” include firearms, explosives, and other weapons that might be considered dangerous or that could cause harm. “Weapons” do not include

mace, pepper spray, or other similar defensive devices intended to temporarily disable a person. Employees are responsible for making sure that any item possessed by the employee is not prohibited by this policy.

8.16 Drug and Alcohol-Free Workplace Policy

A. City's Commitment. The City is committed to maintaining a drug and alcohol-free workplace to promote both the quality of its services and the safety of its employees, its customers, and the public. Every City employee is subject to this policy. CDL drivers are subject to this policy and also to the heightened requirements of the Drug and Alcohol Policy for Commercial Driver's License Holders.

B. Prohibited Conduct. The following conduct is strictly prohibited and enforced:

- Reporting to or being at work under the influence of, and/or with a measurable amount of prohibited drugs and/or alcohol in the body.
- The manufacture, distribution, dispensing, possession, sale, purchase, and/or use of drug paraphernalia, and/or a prohibited controlled substance and/or alcohol while on City property or City business is a violation of this Policy.

C. Prohibited Drugs. Under this policy, "prohibited drugs" include: 1) controlled substances; 2) inhalants; 3) alcohol; or 4) prescription drugs or over-the-counter drugs that are not being used as intended, were obtained under false pretenses, or were not prescribed to the affected employee. If the medically approved and appropriate use of a prescription or over-the-counter drug adversely affects or may adversely affect the employee's work performance or the safety of the employee or others, the City reserves the right to limit, suspend, or modify the employee's work activity, or otherwise reasonably accommodate such adverse effect or risk. The reasonable and limited use of alcohol at City-approved functions (business meals, employee gatherings, celebration events, cocktail hours at conferences, etc.) is acceptable if the activity and/or an employee's involvement in an activity is preapproved by the employee's supervisor or Department Director. However, no employee in a work-related capacity may ever be impaired or under the influence because of the excessive use of alcohol.

D. Disciplinary Action. Violation of this policy shall result in disciplinary action, up to and including termination, even for a first offense. Any refusal to submit to testing will result in immediate termination.

E. Searches. Employees have no reasonable expectation of privacy with respect to their desks, work areas, lockers, and City vehicles. At any time, the City may conduct unannounced searches for illegal drugs, drug paraphernalia, and/or alcohol in City facilities and/or on City property. Entering City property constitutes a consent to search. Employees are expected to cooperate in the conducting of such searches, or face

disciplinary action. Searches of employees' personal property and persons will be conducted only by law enforcement personnel. Contraband discovered on City property will be turned over to the appropriate law enforcement agency.

F. Testing. Drug and alcohol testing will be performed by a certified, independent drug/alcohol testing service. An employee shall report to the testing site within 30 minutes of notification for testing, and will be transported if current intoxication is suspected. Failure to submit to a drug and/or alcohol test or to comply with all procedures and protocols established by the independent testing service is a violation of this policy and may result in discipline, up to and including termination. Any positive test will be reviewed by a Medical Review Officer to determine whether any legitimate alternative medical explanation could account for the positive result, and if retesting validation is required.

G. Testing Situations. The City requires drug and alcohol testing in the following situations:

1. *Post-Offer of Employment* - All applicants who have received a conditional offer of employment for safety sensitive positions will be required to submit to drug testing only (no pre-employment alcohol test will be conducted). The City will withdraw the conditional offer of employment to any applicant who tests "positive" for the presence of a substance prohibited under this policy. The City will maintain a listing of positions designated as "safety sensitive."
2. *Post-Accident* - With the exception of uniformed police officers, an employee who caused, or may have caused, a serious injury or an accident while performing City business shall report for a mandatory drug and alcohol test within two hours of the incident. The employee must be escorted by a supervisor and may not return to work until the City has received the results of the drug and alcohol test. If the results of both tests are negative, the employee will be allowed to return to work. If the results of either test are positive, the employee will be terminated immediately. Nothing in this policy requires any delay of necessary medical attention for injured persons following an accident or prohibits an employee from leaving the scene of the accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary medical care.
3. *Reasonable Suspicion* - An employee may be tested for drugs and/or alcohol when a supervisor has reason to believe that the employee may be in violation of this policy. A decision to test will be generally based independent evaluations of two (2) supervisors of contemporaneous physical, behavioral, or performance factors which may cause the supervisors, in their discretion, to suspect possible drug or alcohol use. As an example, repeated errors on the job or unsatisfactory time and attendance patterns, slurring of words, overly loud talking, unsteady movement,

sleepiness, or other specific contemporaneous event that indicates possible drug use and/or alcohol misuse, could provide a basis to test an employee. Alcohol testing may be conducted based solely on breath or body odor detected by one supervisor. In all cases of reasonable suspicion testing, the City shall provide transportation to and from the collection/testing site as well as to the employee's place of residence or other mutually agreeable location should the testing outcome be positive or unknown. If the results are positive, the employee will be terminated retroactively to the date of the reasonable suspicion test.

H. Testing of Split Specimen. An employee or applicant whose drug test was reported as positive by the Medical Review Officer ("MRO") may request a test of the split specimen, if the employee submits a written request and pays the testing fee to the MRO within seventy two (72) hours after being made aware of the test results. If the results of the split test are negative, the City will reimburse the person for the paid fee. The split test may be conducted at the same laboratory where the specimen was initially tested or at another DHHS certified laboratory. Selection of the laboratory will be determined by the MRO with input from the employee.

E. Approved Rehabilitation Programs. An employee with an alcohol and/or drug problem is encouraged to seek treatment before the problem is identified by the City as a violation of this policy. An employee who admits to controlled substances use and/or alcohol misuse is subject to the referral, evaluation, and treatment requirements of this policy. An employee is not permitted to self-identify in order to avoid testing under the requirements of this policy. Any admission of use must be prior to being ordered to testing or being investigated for violation of this policy. An employee will not be permitted to return to work until the City is satisfied that the employee has been evaluated and has successfully completed education and/or treatment requirements as directed by a Substance Abuse Professional ("SAP"). Prior to the employee returning to work, the employee shall undergo a return-to-duty test with a result indicating an alcohol concentration of less than 0.02; and/or a return-to-duty controlled substance test with a verified negative test result for controlled substances. The employee will also be subject to follow-up testing for a period of up to 60 months, based on the discretion of a SAP and the City.

8.17 Heightened Requirements for CDL Positions

A. Every employee whose job requires a Commercial Driver's License (CDL) is covered by all provisions of the general Drug and Alcohol-Free Workplace policy, applicable to all employees, as well as being subject to the Federal Department of Transportation (DOT)'s regulations on testing for the use of controlled substances and the misuse of alcohol. The DOT policy for CDL drivers is a separate document that will serve as an appendix to this Manual.

B. The City will provide a copy of this policy to all employees who are subject to this policy.

8.18 Reporting an Arrest

A. Notification. City employees must notify their immediate supervisor when they have been arrested for, charged with, or indicted on criminal charges (other than minor traffic violations) no later than one working day following the event.

B. Notification Process. Notification may be made by telephone or in person. The employee or employee's representative shall provide the following information when contacting the employee's supervisor:

1. Name of the jurisdiction/authority
2. Location (city or county and state) of the alleged offense
3. Nature of the arrest/allegation/charge
4. Release status (e.g., held without bail, release pending, bond posted)

The employee's immediate supervisor shall immediately provide the information to the Department Director and the Human Resources Department.

C. Return to Work. An employee shall not report to work after being arrested, charged, or indicted unless the employee has received permission to return from his/her Department Director and/or the HR Director.

D. Administrative Leave. If an employee is not allowed to return to work until appropriate staff has investigated the situation, the Department Director will place the employee on paid administrative leave pending a decision. The City's investigation will focus on whether the employee violated a City policy, and disciplinary decisions will not be dependent on, nor require waiting for, a conviction or other court action.

E. Investigation. The Department Director, the HR Director and/or the Legal Department will conduct an investigation to determine if the employee's conduct leading to the arrest constitutes a violation of a City policy. The investigation may include written reports of the event, consultation with the arresting officials, and information the employee voluntarily provides regarding the arrest. The City will require the employee to cooperate in the investigation, under a Garrity warning, which allows employees to testify about alleged criminal behavior for administrative purposes without self-incrimination, in that statements the employee makes during the investigation may not be used against them in criminal proceedings.

F. Outcome. If the City determines the employee violated a policy, the City will take disciplinary action up to and including termination of employment. Even if there is no

policy violation, the City may determine the employee cannot continue to function effectively in the employee's position, pending resolution of criminal charges. In such instances, the City may transfer the employee to another position within the City, or terminate the employee from City employment.

G. Status Updates. An employee who has been arrested or indicted for criminal charges is responsible for keeping his/her immediate supervisor, Department Director, and the HR Director fully updated on the status of the employee's case.

IX. DISCIPLINE AND APPEALS PROCESS

9.01 Disciplinary Procedures

A. An employee's behavior or work performance may result in immediate termination. Other issues are more appropriately handled by warnings, counseling, additional training, written reprimands, or decision-making leave, which will lead to termination if improvement is not shown. The City may vary the steps of any progressive discipline process depending on the facts and circumstances involved. A Department Director who wishes to issue a disciplinary action shall consult with the HR Department prior to taking this action.

B. Every disciplinary action taken will be recorded by the HR Department to provide documentation that rules are enforced equitably and in accordance with stated policy.

C. The primary objective of the discipline procedure is to correct problems with fairness and consistency. The following criteria may be considered, where appropriate, in determining the action to be taken:

- Severity and type of offense;
- Whether discipline would be effective;
- Impact of the offense on other employees and/or customers of the City;
- Employee's length of service and previous work record;
- Period of time since prior coaching or discipline; and/or
- Disciplinary actions taken by the City with other employees for similar offenses.

D. Employees remain at-will and may be terminated at any time with or without cause and with or without notice.

E. The disciplinary procedure is discretionary and does not apply to an employee during his/her new hire probationary period or to temporary or seasonal employees.

F. Consistent with the type and severity or cause for disciplinary actions and the employee's disciplinary history, a Department Director may take disciplinary action including:

- Verbal Warning (documented);
- Written Reprimand with Performance Improvement Plan (PIP);
- Suspension without Pay;
- Demotion, if a position for which the employee is qualified is available; or
- Termination

A Department Director, in consultation with the HR Department, may change the order of the above disciplinary steps, and/or may choose not to utilize each step, depending on the facts and severity of the case.

G. As a condition of continued employment, an employee is required to acknowledge with his/her signature, a written notice of discipline issued by the City. Any employee who refuses to comply may be subject to additional discipline, up to and including termination. Signing does not necessarily indicate agreement with the content of the document.

H. The types of disciplinary actions are as follows:

1. *Verbal Warning* - a verbal warning identifies a violation or indicates an area needing improvement, and the consequences for failure to improve, with any relevant time periods (or “immediate and sustained”). The verbal warning must be documented on the Employee Disciplinary Action Form.

2. *Written Reprimand* - a written reprimand identifies violations or indicates areas needing improvement, the consequences for failure to improve, and any relevant time periods (or “immediate and sustained”). The written reprimand will indicate the following in the form of a Performance Improvement Plan (PIP):

- The specific act(s) that demonstrated the unacceptable conduct or performance;
- The expected conduct or performance;
- That such act(s) must not be repeated;
- What further action will result if the employee fails to show and maintain satisfactory improvement; and
- Signed acknowledgment of receipt of the written reprimand by the employee and original sent to the personnel file in Human Resources.

A copy of the reprimand will be given to the employee. An employee may submit a written response to be placed with the written reprimand in his/her personnel file. An employee may not appeal a written reprimand.

3. *Suspension without Pay* - a suspension without pay results in time off without pay for one work shift or longer. An employee may be suspended without pay for a period

of not less than one day and not more than two workweeks. An exempt employee may not be suspended without pay for less than one full day, and only for clear violations of written policy.

4. *Demotion* - a demotion results in an employee being moved into a job with a lower responsibility level and/or lower pay rate. The pay rate after a demotion will be determined in accordance with the compensation plan.

5. *Termination* - if warranted, termination may be immediate, without first pursuing progressive discipline. For serious offenses, termination may be the appropriate first disciplinary step. In other cases, termination will be imposed after other attempts to correct the problem have failed, and the employee is aware his/her job is in jeopardy.

E. Suspension without Pay, Demotion, or Termination Procedure. Before implementing a suspension without pay, demotion, or discharge, the Department Director or designee will take the following steps:

1. A thorough investigation will be conducted and all relevant facts gathered. All employees are expected to cooperate and participate fully in any investigation.
2. The Department Director will inform the HR Director of the impending suspension without pay, demotion or discharge prior to any action.
3. The Department Director will review any response provided by the employee and determine what disciplinary action, if any, is warranted. The Director will notify the employee in writing of his/her decision. The written decision will indicate the following:
 - a. The disciplinary action to be taken and the effective date of the action;
 - b. An explanation of why the discipline is being implemented, such as policy violation;
 - c. If the action is suspension without pay or demotion, the expected conduct or behavior and that such act(s) must not be repeated. The memo should also indicate what further action will result if the employee fails to show and maintain satisfactory improvement; and
 - d. Signed acknowledgment of receipt by the employee.
4. A copy of the written decision will be given to the employee. The decision will become a permanent part of the disciplinary record and will be maintained in the employee's personnel file in Human Resources.

While Department Directors are encouraged to follow the above steps, failure to follow these steps will not negate the disciplinary action.

9.02 Disciplinary Appeals

A. Review by Department Director. An employee may submit a written response to any formal disciplinary action within five work days to his/her Department Director. The Department Director, after reviewing the written response from the employee, may withdraw, reduce, or modify in some way the disciplinary action at his/her discretion. If the disciplinary action is upheld, the employee's written response will be included with the documentation within the personnel file. Except in the case of suspensions, demotions, or terminations, the Director's decision is final.

B. Appeal to City Manager (or designee). With the exception of a termination during the probationary period which has no appeal rights, regular full-time and part-time employees, who are suspended, demoted, or terminated from City employment for disciplinary reasons may appeal the decision to the City Manager or his/her designee. Demotions or terminations based on reorganization or reductions in force are not subject to this appeal procedure.

C. Appeal Request. An employee who has received a suspension, demotion, or termination has five work days from receipt of such action to request an appeal to the City Manager. Such appeal is submitted in writing to the Director of Human Resources and must state the grounds for the appeal.

D. Scheduling of Appeal. The HR Director will notify the employee of the date, time, and place of the appeal. The purpose of the appeal is to provide an opportunity for the employee to present any information that may have a bearing on the decision.

E. City Representatives at Appeal. The HR Director will coordinate and attend the Appeal. The Department Director administering the discipline will attend. The City Manager may also request the City Attorney and other City staff to attend as deemed appropriate.

F. Decision of the City Manager. After completing any investigative work deemed necessary, the City Manager or designee will render a written decision to the employee, the Department Director, and the HR Director. This decision is final.

X. LEAVING EMPLOYMENT

10.01 Separation from employment

A. Separation from employment with the City includes any of the following:

1. Resignation – where an employee voluntarily resigns his/her employment position with the City, to include any one of the following actions:

- Resigns from the City with verbal or written notice;
- Fails to report for work without notice to the City for two consecutive work days or two consecutive shifts; or
- Fails to return to work at the designated time following an approved leave of absence.

Where a supervisor receives verbal or a written notice to resign, the supervisor may, at his/her discretion, choose to accept, and therefore make effective, the resignation immediately upon receiving notice, two weeks after the date notice is received, or on the actual date the employee has indicated in his/her voluntary resignation notice.

- 2. Release** - where the employee can no longer perform the job (essential functions), with or without accommodation, for reasons outside the employee's control, and when applicable paid and unpaid leave has expired.
- 3. Retirement** - where the employee retires after being qualified for benefits under TMRS or other retirement system.
- 4. Reduction in Force or Reorganization** - where the City needs to terminate an employee(s) as a result of organizational restructuring, work redesign, job elimination, reduced staffing requirements, or consolidations.
- 5. Termination or Discharge** – where the City initiates involuntary separation from employment.
- 6. Death** - where an employee dies. Following death, the employee's designated beneficiary or his/her estate receives all pay due and any earned and payable benefits, as of the date of death.

B. The following procedures apply to a resignation:

- 1. Notice of Resignation** - an employee is requested to provide a written notice of resignation to his/her supervisor at least two weeks prior to his/her last work day. The written notice should include the last day to be worked. Failure to provide two weeks' resignation may result in the City designating the employee's separation as "not in good standing".
- 2. Personnel Action Form** - the immediate supervisor of the separated employee is responsible for initiating a PAF and designating the appropriate separation code.

PAFs should be provided to Human Resources with all signatures as soon as practicable after notice of separation.

3. Exit Interview - the employee should contact the HR Director to make an appointment for exit processing, to discuss benefits, final pay, ask question, and to provide any final feedback on employment with the City.

4. Notice of Retirement - an employee who is eligible to retire should give 30 days' written notice to the immediate supervisor, Department Director and HR, to allow for retirement processing.

5. Use of Paid Leave - an employee may not extend his/her termination date through use of paid leave after notice has been submitted. An employee's last day will be considered the last day the employee actually works, except with the prior approval of HR. An employee may not use paid leave during the notice period without documentation of medical emergency.

C. Pay at the time of separation:

1. Vacation Leave - upon separation, a regular full-time employee who has completed one year of continuous full-time employment with the City will be paid for all unused accrued vacation leave up to the maximum allowable accrual.

2. Compensatory Time - a non-exempt employee will be paid for all unused accrued compensatory time upon separation.

3. Sick Leave - all unused sick leave will be forfeited upon separation from City employment for any reason. In no instance will an employee be paid for unused accrued sick leave.

4. Final Paycheck - the City will direct deposit the final check on the next regularly scheduled payday following the pay period in which the employee separated from employment. This check will consist of all hours worked and remaining eligible vacation leave, and accrued compensatory time, less outstanding amounts owed to the City.

5. Returned City Property and Reimbursements - all City property issued to or in the possession of a terminating employee, such as equipment, supplies, uniforms, identification cards, etc., must be returned to the employee's supervisor in satisfactory working condition before any termination payment will be made to the employee. At its discretion, the City may deduct from any termination payment the cost of any City property not returned or reimbursements owed to the City at the time of termination.

10.02 REFERENCES FOR FORMER EMPLOYEES

A. All requests for references on former employees must be forwarded to HR. Employees/supervisors shall not respond to inquiries and/or references concerning another employee and/or a former employee. HR will provide neutral references consisting of confirmation of hire date, termination date, and position(s) held.

B. The City will disclose additional employment information (*i.e.*, eligibility for rehire, medical information, etc.) only after the City receives a written and signed request for the release of such specific information from the individual on whom such information is requested.

XI. SAFETY IN THE WORKPLACE

A. The City's most important resource is our employees. To protect this resource, the City is committed to providing a safe and healthful workplace for all employees by establishing and maintaining an effective safety and health program. The City considers safety and health to be a fundamental part of our organization's operations.

B. The City has established the following goals for this program:

- Provide a safe and healthful work place for all employees
- Establish safety consciousness throughout our organization
- Reduce work-related injuries and illnesses

C. All employees must stay informed and take responsibility for their own safety and the safety of their co-workers. Working safely and in accordance with established safety policies is an absolute requirement for all employees, supervisors, managers, and volunteers.

D. All employees will receive a copy of the Safety Manual upon hire: [Safety Manual Section 1](#), [Safety Manual Section 2](#), [Safety Manual Section 3](#), [Safety Manual Forms section](#).

EMPLOYEE ACKNOWLEDGMENT

A. By accepting and continuing employment with the City of Kerrville, you acknowledge that your employment is to this Personnel Policies and Procedures Manual (PPPM), all appendixes, and any other rules and regulations adopted by the City or your respective department; and, you agree to conform to these policies and the rules and regulations contained in them. You agree to read these policies carefully and ask questions if anything is unclear to you.

B. You understand that all employees are considered at-will employees and as such, may be terminated from employment with or without cause and with or without notice at any time, by either the employee or the City.

C. You acknowledge that the City may modify or rescind any policies, benefits, or practices described in this manual at any time with or without prior notice.

D. You also acknowledge that no employee of the City has the authority to enter into any agreement on an employment policy that is contrary to the policies contained in this manual with the exception of the City Manager, in writing, or by official action of the City Council.

PLEASE READ THE CITY OF KERRVILLE PERSONNEL POLICY AND PROCEDURES MANUAL, EFFECTIVE JANUARY 1, 2019, PRINT AND SIGN YOUR NAME AND DATE BELOW. RETURN THIS PAGE TO THE HUMAN RESOURCES DEPARTMENT WITHIN FIVE DAYS OF RECEIPT.

PRINTED EMPLOYEE NAME: _____

EMPLOYEE SIGNATURE: _____

DATE: _____